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INTRODUCTION

The Federal Coal Management Report is an annual report mandated by the Federal Coal Leasing Amendments Act of 1976. This Fiscal Year (FY) 1982 report, the sixth to be transmitted to Congress, focuses on the implementation of the Federal coal management program during FY 1982.

This report is divided into five major parts: (1) Introduction; (2) Changes in the Federal Coal Management Program; (3) Management, Supervision, and Enforcement in FY 1982; (4) Litigation; and (5) Major Issues and Recommendations. There are also four appendices.

The Introduction summarizes the status of Federal coal lands and current laws and regulations.

Federal Coal Management Report



Fiscal Year 1982

Annual report of the Secretary of the Interior under
Section 8 of the Federal Coal Leasing Amendments Act of 1976
(P.L. 94-377)

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PREFACE

The Federal Coal Management Report is an annual report mandated by the Federal Coal Leasing Amendments Act of 1976. This Fiscal Year (FY) 1982 report, the sixth to be transmitted to Congress, focuses on the implementation of the Federal coal management program during FY 1982.

This report is divided into five major parts: (1) Introduction; (2) Changes in the Federal Coal Management Program; (3) Management, Supervision, and Enforcement in FY 1982; (4) Litigation; and (5) Major Issues and Recommendations. There are also four appendices.

The Introduction summarizes the status of Federal coal lands and current leases and applications.

The second part briefly describes the changes to the various coal regulations that were implemented in FY 1982.

The third part presents the FY 1982 responsibilities and activities of the Bureau of Land Management (BLM), Minerals Management Service (MMS), Geological Survey (GS), Office of Surface Mining Reclamation and Enforcement (OSM), Fish and Wildlife Service (FWS), Department of Agriculture/Forest Service (FS), and Department of Justice (DOJ).

The fourth part briefly discusses litigation concerning Federal coal activities.

The last part, as mandated, provides a brief description of current issues and recommendations for improving the Federal coal program.

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I. INTRODUCTION

The Federal Government owns one-third of the Nation's coal and indirectly affects the use of at least an additional 20 percent of the coal in the West. Approximately 75.6 million acres of coal lands are owned and administered by the Federal Government and are located principally in the western States. These western Federal coal lands contain as much as 60 percent of the total western coal reserve base.

In FY 1982, 104.4 million tons of Federal coal were mined. This production accounted for approximately 12 percent of the total U.S. production, up from 11 percent in FY 1981. Total U.S. production in FY 1982 was approximately 868.7 million tons. As of September 30, 1982, there were 616 Federal coal leases in effect, of which 39 were issued in FY 1982. Nine of the new leases issued in 1982 were processed in response to applications for lease sales. Sixteen preference right applications were converted and combined into the seven leases. An additional 23 leases were issued as a result of regional coal lease sales held in four Federal coal regions. Eight additional leases were sold through regional and lease on application sales in FY 1982, but the leases had not been issued as of September 30, 1982.

During FY 1982, the Powder River regional coal lease sale, the largest coal lease sale in history, was held. A total of 16,554 acres of coal leases were sold and \$43,489,434 in high bonus bids were received for the coal. The overall Federal coal leasing program during FY 1982 resulted in the lease sale of 41,097 acres of coal with \$77,538,168 in bonuses.

As of September 30, 1982, 149 preference right lease applications (PRLA's) remained to be processed. As a matter of policy, the Department of the Interior will complete the processing of all remaining PRLA's by December 1, 1984, in coordination with the cycle of ongoing comprehensive land use planning wherever possible.

Appendix A (pages 32 to 70) provides a detailed description of the total U.S. and Federal coal lands and the Federal coal leases and lease applications.

The final rules clarify application of the four land use planning screens: coal development potential, suitability criteria, multiple use trade-offs, and surface owner consultation. The new rules eliminate the apparent requirement that the screens be applied in a sequence. However, all four screens must still be applied before land is determined to be acceptable for federal consideration for coal leases. The restriction on considering only lands with high or moderate development potential is changed to allow all areas with coal development potential to be considered.

Last year's Federal Coal Management Report was published shortly before the issuance of the amended 43 CFR 3400 and 30 CFR 211 coal regulations. The rule changes streamline the process for offering publicly owned coal lands for lease while maintaining strict environmental controls. The rules include modifications to strengthen the coal program and add needed flexibility. They are designed to reduce confusion for the public as well as giving the Interior Department some simplification in implementing the program. These changes and the proposed 30 CFR 740-746 rule change are discussed in the section entitled "Changes in the Federal Coal Management Program."

In January 1982, the Secretary announced the formation of a new agency, the Minerals Management Service (MMS), created from the Conservation Division of the USGS and the offshore portion of BLM. This was done to ensure the proper and full collection of royalties from Federal and Indian leases and to place renewed emphasis on efforts to stem royalty fraud and theft. On December 3, 1982, in an effort to further streamline the overall lease management program, the Secretary announced an integration of the MMS onshore mineral leasing functions into the BLM energy and mineral resources program. The offshore leasing functions and all revenue collection responsibilities, including coal royalties, rentals, and bonus payments, will be carried out by the MMS. A full discussion of the organizational and responsibility changes as they affect Federal coal management will be presented in the FY 1983 Federal Coal Management Report.

II. CHANGES IN THE FEDERAL COAL MANAGEMENT PROGRAM

A. BUREAU OF LAND MANAGEMENT

On July 30, 1982, the Department of the Interior published final amendments listing changes in the Federal coal management regulations (43 CFR Group 3400). These changes were designed to streamline the existing program in order to eliminate regulations and policies that hindered responsible and efficient production of Federal energy resources to meet the Nation's needs.

The new regulations, which took effect August 30, 1982, were the result of a comprehensive review of the Federal coal leasing program conducted by the Department in order to eliminate burdensome and unnecessary rules.

More than 70 comments from State and local governments, industry, associations, Federal agencies, and individuals in response to proposed rules were carefully considered before the final changes were issued.

The basic structure of the coal program -- land use planning to identify areas that are acceptable for further consideration for coal leasing; activity planning to delineate and analyze tracts and establish leasing levels; and consultation with the States, other Federal agencies, qualified surface owners, and affected Indian tribes -- remains unchanged by the revisions, which strengthen the program and add needed flexibility.

The main changes in the regulations from those in effect since 1979 are the following:

Land Use Planning

One change provides for a formal "Call For Coal Resource Information" at the beginning of land use planning for a particular area. This will provide the public and industry with an opportunity to submit indications of leasing interest and information on the potential for coal resource development for lands within the planning area. This step expedites data collection and improves the quality of the land use planning inventory. In response to comments, the new rules clarify that any proprietary data submitted under the "Call for Coal Resource Information" will be sent directly to the appropriate office for safekeeping.

The final rules clarify application of the four land use planning screens: coal development potential, unsuitability criteria, multiple use trade-offs, and surface owner consultation. The new rules eliminate the apparent requirement that the screens be applied in a sequence. However, all four screens must still be applied before land is determined to be acceptable for further consideration for coal leasing. The restriction on considering only lands with high or moderate development potential is changed to allow all areas with coal development potential to be considered.

Leasing Level

In another change, coal leasing levels (rather than specific leasing targets) will be established by the Secretary after consultation with Governors, the Attorney General, the Secretary of Energy, and Indian tribes. These levels will be the basis for proposed actions studied in regional coal lease sale environmental impact statements. This procedure is intended to address both national and regional needs more fully.

Under the new regulations, State Governors will have a significantly larger role in establishing Interior's coal leasing levels. Governors will recommend directly to the Secretary the leasing levels they believe to be in the best interest of their States. Emphasizing the role of the Governors in the coal leasing process, the regulations provide that the Secretary, when setting the final coal leasing levels, will consult with Governors of the States involved.

Surface Owner Consent

Surface owner consent rules have been revised to include changes that were made for the April 28, 1982, Powder River Region Federal coal lease sale. Under these new procedures, industry will be given more time to acquire consent from a qualified surface owner (where the Federal Government owns the minerals underneath) in advance of the lease offering; however, consent must still be obtained before the lease offering or the tract will be withdrawn from the offering. The new rules also clarify the transferability requirements for surface owner consent.

Unsuitability Criteria

Unsuitability criteria as contained in Part 3461 of the coal rules will no longer be formally applied to existing leases during land use planning. However, the criteria mandated by statute, executive order, or other regulation will be applied to the existing leases during mine plan review.

The criteria in Part 3461 of the coal rules will continue to be applied in adjudicating whether a preference right lease applicant is entitled to a noncompetitive lease. Changes were also made in several of the criteria in accordance with the U.S. District Court decision in the Texaco, Inc. v. Andrus and NCA et al. v. Andrus suits.

Preference Right Lease Applications

Information requirements were lessened; applicants no longer have to show coal reserves on a coal bed by coal bed basis.

Emergency Leasing

The amended regulations eliminate the requirements that (1) a lease applicant have a mine in production for at least two years prior to filing an application; (2) a lessee be restricted to one emergency lease per mining operation; and (3) competition for leases sold under the emergency criteria be limited only to bidders meeting these criteria.

Alluvial Valley Floor Exchanges

The change makes the regulations consistent with the court's decision in Texaco and NCA v. Andrus. Alluvial valley floor fee coal exchanges are mandatory rather than discretionary to qualified exchange applicants.

Lease Sales

All competitive lease sales will be held by sealed bid only. Minimum bonus bids will not be less than \$100.00 per acre.

Consultation with Governors

On January 12, 1983, an interim final rule was published which further amended the coal regulations. The amendments resulted from direct consultation between the Secretary and the State Governors in a meeting held in November of 1982. This rule was effective on the date of publication, however, public comments were to be accepted until February 28, 1983. This interim final rulemaking modified and clarified provisions of the Department of the Interior's coal management regulations which were published July 30, 1982. The provisions primarily relate to consultation process between the Department of the Interior and State governments and Governor's offices. The provisions also relate to consultation and coordination between the Department of the Interior and regional coal teams, and procedures for appeal of surface ownership determinations made by the BLM. Based on review of the comments received when the July 30, 1982, regulations were proposed and experience gained in implementing the final rules, additional changes were made in the coal rules to provide for the regional coal teams to recommend preferred leasing levels. The policy of close cooperation and consultation with State governments will be enhanced by more explicit procedures for consulting with Governors of States affected by Federal coal leasing.

B. MINERALS MANAGEMENT SERVICE

The final 30 CFR Part 211 rules, which also became effective on August 30, 1982, considerably reduce the Federal regulatory burden on industry while maintaining proper control of the statutory responsibility for the Nation's Federal coal resources. Besides consolidating various rules within one part, the 211's accomplished major changes in several areas.

Resource Recovery and Protection Plan (RR&PP)

The final 211 rules define the RR&PP to cover only requirements of the Mineral Lands Leasing Act of 1920, as amended (MLA). The Surface Mining Control and Reclamation Act (SMCRA) requirements are not contained in the RR&PP, and these requirements have been removed from the 211's. Therefore, the MLA requirement for the 3-year plan submittal no longer includes the detailed reclamation plan data requirements of SMCRA. This allows an operator to submit a plan which meets the MLA requirements without including the detailed information requirements of SMCRA. Of course, prior to commencing operations, the plan with its accompanying SMCRA documentation must be fully approved.

Exploration Plans

Approval authority for all exploration on leased tracts (including Federal coal in the SMCRA permit area prior to commencement of mining operations) are handled under the final 211 rules. This change creates a single-stop agency for exploration on leased Federal coal lands.

Maximum Economic Recovery (MER)

The MER definition is redefined to clarify its meaning. MER will be determined by standard industry operating practices rather than detailed economic data.

Diligent Development/Continued Operation

The definition and rules for implementing diligent development and continued operation have been consolidated in the 211's by transfer from BLM rules. The rules for diligent development and continued operation no longer apply to the pre-Federal Coal Leasing Amendments Act (FCLAA) leases, until their first readjustment after August 4, 1976. The rules for diligent development and continued operation may only be applied to pre-FCLAA leases that are not readjusted upon the written election of the operator/lessee.

Logical Mining Units (LMU's)

The revised definition does not require that all the land in an LMU must be underlain by coal. Leases are not automatically designated to be LMU's. The 40-year reserve exhaustion requirement for LMU's no longer applies to individual leases not contained in approved LMU's. This revision deletes the previous designation of all existing leases to be LMU's. The rules allow for an orderly development of individual leases and allow for LMU formation guided by geologic, engineering, and economic factors.

In summary, the rules streamline exploration and mining operations on Federal coal by eliminating excessive and counter-productive regulations. The new rules maintain proper regulatory control of Federal coal operations, allow operators to make their decisions based on their own economic factors, and facilitate the development of our Nation's Federal coal resources.

C. OFFICE OF SURFACE MINING

Revised Federal lands regulations (30 CFR Parts 740-746) were proposed on June 9, 1982, in the Federal Register. Two major changes are embodied in the proposed regulations. First, they would provide that upon either approval of a State program or implementation of a Federal program for a State, certain requirements of that program would become applicable to mining on Federal lands within the State. Instead of cross-referencing other parts of the permanent regulatory program for permits, inspections and enforcement, bonding, and performance standards, the substantive and procedural requirements of the approved State program or Federally implemented program for non-Federal and non-Indian lands would apply also to Federal lands. This would especially simplify situations where single operations involve mixed Federal/non-Federal lands.

Second, the Secretary's responsibility for approval of mining plans and the permitting process for surface coal mining and reclamation operations on Federal lands would be revised to allow States to assume a largely independent role in the review and approval of permit applications filed under the Act. The MLA requires that the Secretary approve a mining plan for any mining of Federal coal leased pursuant to that Act. Existing OSM regulations define the mining plan as inclusive of the SMCRA permit application. Since section 523(c) of SMCRA prohibits the Secretary from delegating his responsibility to approve mining plans, and since mining plans currently are defined to include permit applications, the Secretary is prevented from delegating to States with cooperative agreements the responsibility for approving permit applications under SMCRA. This has resulted in duplicative actions by the State regulatory authority and OSM.

The principal change that would be accomplished by the revised regulations is that States with Section 523(c) cooperative agreements could be authorized to assume the responsibility for issuing permits under SMCRA. OSM's proposed rule revising the Federal lands program would draw a clear distinction between the MLA and SMCRA. The proposed revisions would recognize that the MLA applies only to leased Federal coal and that the mining plan which the Secretary must approve, therefore, should be interpreted as only applying to Federally-owned coal and not to lands where it is only the surface that is Federally-owned. This is because no lease pursuant to the MLA is involved. Further, actions with respect to compliance with SMCRA would be delegable to States, with the exception of oversight under a cooperative agreement, while the non-delegable MLA requirements would be retained by the Secretary.

Still other, less substantive changes seek to minimize or eliminate duplicative, counter-productive, and burdensome regulations and to allow the States a greater role in the regulation of surface coal mining and reclamation operations on Federal lands.

III. MANAGEMENT, SUPERVISION, AND ENFORCEMENT

The BLM, MMS, GS, OSM, and FWS carry out a number of the requirements of the Federal coal program. Additional responsibilities relating to Federal coal leasing are carried out by agencies outside the Department of the Interior (DOI), particularly by the U.S. Forest Service and the Department of Justice.

A. BUREAU OF LAND MANAGEMENT

The BLM serves as the focal point for conducting DOI's coal policy review and is responsible for assuring interagency coordination for implementing the Federal coal program. The BLM is also DOI's key point of contact for State and local governments, industry, environmental groups, and other Federal agencies concerned with the management of Federal coal. The BLM's responsibility in the Federal coal program includes preparing land use plans or, where Federal interests are not large enough to justify a plan, a land use analysis, both of which include surface owner consultation and application of the unsuitability criteria. The BLM also participates in selecting and recommending to the Secretary the tracts to be offered for lease, as well as preparing analyses of those tracts and the regional coal lease sale environmental impact statements. In addition, the BLM processes coal lease applications and coal exchanges and carries out many of the actions relating to the management of existing leases.

Land Use and Activity Planning

The first two major steps for coal leasing in the Federal coal program are land-use planning by the surface management agency and activity planning guided by the regional coal teams (RCT's). Land use plans are generally either Management Framework Plans (MFP's) or Resource Management Plans (RMP's). Prior to the adoption of the 1979 rules on planning, programming, and budgeting for public lands and resources (43 CFR 1600), all land use plans were Management Framework Plans. The 1600's now require that all land use plans begun after their adoption be Resource Management Plans. Decisions resulting from the land use planning process identify resource uses, including lands acceptable for further consideration for leasing. Regional activity planning and scheduling is covered in Appendices C, and D (pages 72 and 73).

During FY 1982, the BLM sold leases covering 41,097 acres containing approximately 1.4 billion tons of recoverable coal resources. The results of these sales are given in Appendix A, Tables A-1 to A-6 (pages 35 to 46).

Leasing on Application

The coal leasing rules (43 CFR 3425) provide for an application process through which the Department will consider holding lease sales apart from the regional leasing process. The results of leasing by application sales appear in Appendix A, Table A-4 (page 42).

Leasing on Application Hardship Provisions

Two lease sales were held under the hardship leasing provisions of 43 CFR 3425.1-6 during FY 1982. On November 10, 1981, a lease sale was held for approximately 95 million tons of lignite located on 6,445 acres in the Camp Swift Military Reservation in Bastrop County, Texas. The only bid submitted, a joint bid from the city of Austin, Texas, the Lower Colorado River Authority, and the Public Service Board of San Antonio, Texas, was rejected on advice from the Department of Justice. The tract is scheduled to be reoffered during FY 1983 after settlement of an ownership dispute involving approximately 120 acres of land within Camp Swift.

On April 7, 1982, a lease sale was held for 103 million tons of coal located on 7,066 acres of land in Carbon County, Wyoming. Edison Development Company, the successful bidder, bid \$232.02 per acre for a total bid of \$1,639,453.32. The lease was issued effective July 1, 1982.

Preference Right Lease Application

Prior to the Federal Coal Leasing Amendments Act (FCLAA), as a result of activity undertaken under a prospecting permit, an entity could submit a preference right lease application (PRLA) and, if the Secretary determined that the entity had found commercial quantities of coal, receive a noncompetitive preference right lease. The FCLAA abolished preference right leasing except for PRLA's that resulted from prospecting permits issued on or before August 4, 1976. Each pending PRLA will be processed to determine if commercial quantities of coal exist. During FY 1982 a total of seven preference right leases, covering 16 PRLA's, were issued. Appendix A, Table A-13 and A-14 (pages 54 and 55) summarizes all PRLA status.

Surface Owner Consent

Several changes or clarifications were made to DOI's surface owner consent policies and regulations in February and March 1982. These changes involve sale procedures for lands covered by consents executed before enactment of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the deadlines for submission of consents before scheduled lease sales, and the post-sale transfer or assignment of consents to high bidders for the coal leases.

The rules were clarified to indicate clearly that pre-SMCRA consents need not meet the transferability requirements established for post-SMCRA consents. In addition, a policy change now permits the lease sale of lands covered by a nontransferable pre-SMCRA consent by single-tract sale procedures, not just by intertract bidding as the previous policy required.

The deadline for submission of consents was changed from 30 working days prior to publication of a lease sale notice for the affected lands to some date closer to the actual sale date; the actual deadline for each sale will be determined after the sale is scheduled and will be announced in the Federal Register. This change was made to allow industry more time to obtain and submit consents before a scheduled lease sale.

The DOI also established policies to clarify the post-sale transfer or assignment of consents to high bidders, if the high bidders are not the holder of the consents. A 90-day transfer period was established for post-SMCRA transferable consents and a 6-month negotiation period was established for pre-SMCRA nontransferable consents. Lease issuance would depend upon the outcome of negotiations between the high bidder and the holders of the consent.

Intertract Bidding

Intertract bidding is a sale procedure developed by the DOI for Federal coal lease sales. It relies on bidding competition among coal firms to identify the best tracts to lease from among a set of tracts, all of which have been deemed eligible for leasing by the Department, which the DOI has decided cannot or should not all be leased. The tracts which are leased would be those which receive the highest bids on a per-ton basis.

Based on a recommendation by the RCT and a decision by the Secretary, a test of intertract bidding was scheduled for the April 1982 coal lease sale in the Powder River Basin. Intertract bidding was to be used to lease two tracts from among four available tracts located near Ashland, Montana, which the RCT had ranked as having very similar environmental and socioeconomic impacts, but the RCT recommended to the Secretary that not all four be leased. In preparation for this test, the BLM ran several successful dry runs of the intertract bidding sale procedure. However, the experiment could not be undertaken when three of the four tracts ultimately did not qualify for the sale because necessary surface owner consents were not filed.

Leasing Level Task Force

One of the recommendations that came out of the December 1981 Federal/State Coal Advisory Board meeting was to establish a Bureau of Land Management-State Government task force to address the issue of leasing to meet the demand for coal reserves. The Under Secretary adopted this recommendation. On August 26, 1982, the Advisory Board met and established the task force. It was agreed at this meeting that the Wyoming State Representative would assume the lead of the task force and present the task force's findings to the full board.

Past efforts at setting leasing targets did not account for the demand for coal reserves and depended on limited information sources. One computer model, industry's expressions of interest, and the RCT's knowledge of the region were essentially the extent of the information used as input to the leasing target decision. Competition and inventory requirements were not sufficiently included in past regional leasing target decisions. Under the revised regulations, market demand for coal reserves is one of the factors considered in establishing leasing levels. The leasing level must also be based on (1) advice from the Governors, (2) the potential economic, social, and environmental effects of leasing, (3) industry's expressions of interest, (4) energy needs, and (5) other pertinent factors including land use planning data and coal resource information.

Market demand for coal reserves is neither easily measured nor static. The analytical tools available to the RCT made it necessary for the BLM to adopt interim procedures that considered the multiple facets of the coal market. Each of these tools provides some information to the decision-maker. By adopting these interim procedures after the rule changes became effective, the BLM was able to provide a starting point for the task force and was also able to use the interim procedures in two regions as test cases to keep the Federal coal leasing program moving. The results of the application of these interim procedures in the Green River-Hams Fork and Southern Appalachian regions indicated that the new methods were feasible and practical to implement.

In addition to testing the procedures in the two regions, the leasing level task force met on October 12, 1982, to review the interim procedures. The procedures were revised in response to comments and suggestions from the task force and the public. Even in final form, the procedures should remain fairly dynamic to be able to respond to each region's individual situation.

Coal Exchanges

Public Law 95-554, 94 Stat. 2073, authorized the Secretary to issue other Federal coal leases in exchange for the relinquishment of nine Federal coal leases in Wyoming. The law requires that the leases to be issued and the leases to be relinquished be of equal value.

The DOI is processing several of the Wyoming coal lease exchanges in conjunction with activity planning in the Powder River Federal Coal Region. Five of the six lessees whose Wyoming leases were authorized for exchange by P.L. 95-554 have submitted proposals identifying Federal lands they wish to lease by exchange. Processing of all five proposals was in progress at the end of FY 1982. Completion of at least one of these exchanges is anticipated in FY 1983.

Public Law 96-476, the Rattlesnake National Recreation Area and Wilderness Act of 1980, provides for the acquisition of non-Federal interests within an area in the Lolo National Forest in Montana, to be known as the Rattlesnake National Recreation Area and Wilderness, by exchange, purchase or gift, or by exchange for coal lease bidding rights or coal lease modifications. The Act expresses the intent of Congress that an exchange occur within 3 years of the date of enactment. The DOI was negotiating an exchange involving coal lease bidding rights with one of the owners of the non-Federal interests at the end of FY 1982.

Public Law 96-401, enacted in October 1980, provides for cancellation of coal leases and permits issued by the Northern Cheyenne Indian Tribe in Montana. The legislation authorized the Secretary to execute cancellation agreements with lessees, permittees, and the Tribe. Compensation for cancelled leases and permits would be in the form of noncompetitive Federal coal leases off the reservation or certificates of coal lease bidding rights. The lessees and permittees would pay fair market value for the noncompetitive off-reservation leases with a credit for investments made on the reservation. Cancellation agreements involving the leases had to have been executed prior to November 1, 1980, to be valid, and cancellation agreements involving the permits had to have been executed prior to January 1, 1982, to be valid. The legislation cancelled the leases and permits on those dates whether or not cancellation agreements were executed. The authority of the Secretary to execute agreements to provide compensation ended as of those dates, and any compensation due the lessees and permittees must be decided by the U.S. Court of Claims, for leases and permits not covered by agreements reached by those dates.

A cancellation agreement with the holder of six leases and three permits on the Northern Cheyenne Reservation was signed on October 30, 1980. The agreement provides for the issuance of a noncompetitive coal lease for Federal coal lands in Montana by December 1984.

Cancellation agreements with three of the remaining five parties affected by the legislation were executed in December 1981. Two of the agreements provide for the issuance of noncompetitive coal leases in Montana by December 1984. A settlement with the third party was completed by the issuance of a noncompetitive lease for the North Duck Nest Creek tract in the Powder River Basin in September 1982 in accordance with the cancellation agreement with that party.

The DOI signed cancellation agreements with the remaining two parties before the January 1, 1982, statutory deadline. However, the Northern Cheyenne Tribe refused to concur with these settlement agreements. These two parties had not filed litigation seeking compensation in the U.S. Court of Claims as of the end of FY 1982.

Public Law 96-475 directed the Secretary to exchange two Federal coal leases in New Mexico, held by Sunbelt Mining Company Inc., for other Federal coal leases in the State. The existing leases held by Sunbelt are located within the boundaries of the Bisti Area of Critical Environmental Concern (ACEC).

In November 1982, the BLM Director signed a Memorandum of Understanding with Sunbelt Mining which provides for the organizational framework and understandings to carry out the mandates of Congress. Work has commenced on the equal value determination and the determination on consistency with existing BLM land use plans. The exchange is expected to be completed in the spring of 1983.

The DOI is also processing four fee coal exchange proposals. These proposals involve the exchange of title to coal or other rights on Federal lands for title to coal or other rights of equal value on private lands pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. These exchange proposals involve lands in the Montana portion of the Fort Union Region, the Wyoming portions of the Powder River and Green River-Hams Fork Regions, and the New Mexico portion of the San Juan River Region.

Lease Management

Under the original 1920 Mineral Lands Leasing Act, coal leases were issued for an indeterminate period subject to readjustment at the end of every 20-year period. As leases become subject to readjustment since the passage of the FCLAA, they are readjusted to conform to its terms. The terms and conditions of 36 leases were readjusted during FY 1982 to conform to the terms of the FCLAA. Eight coal leases were modified to include additional lands, and 19 applications for modifications were being processed at the end of FY 1982. No leases were cancelled or relinquished during FY 1982. See Appendix A, Table A-19 (page 61).

B. MINERALS MANAGEMENT SERVICE

During FY 1982, the MMS was responsible for estimating both the quantity and quality of Federal coal, delineating potential lease tracts, evaluating and determining the economic value of coal resources for lands proposed for leasing, and providing technical information for the BLM's land use planning activities. The MMS also established known recoverable coal resource areas (KRCRA's), approved the formation of logical mining units (LMU's) and exploration plans, and monitored coal production from Federal leases. The MMS monitored diligent development and continued operation and maintained the royalty collection and accounting system. With the exception of the royalty collections, all the MMS responsibilities concerning coal were transferred to BLM in December 1982.

Coal Resource Evaluation Activities

Detailed coal evaluation activities involved primarily the analysis of certain areas to meet the classification, tract delineation, and resource and economic evaluation requirement of the Federal coal program. In FY 1982, the regional assessments, detailed drilling programs, and site-specific studies provided data that were used in tract delineation and evaluation.

The MMS drilled 579 holes at a cost of \$3,530,035 in support of the Federal coal program during FY 1982. About 18 percent of the 294,056 feet drilled were cored (45,634 feet cored and 248,422 rotary). Of the total 45,634 feet cored by the MMS, 41,091 feet (or 90 percent) were drilled in the MMS's Eastern Region in the Appalachians.

The MMS used the results of the detailed evaluation to delineate potential coal lease tracts. For each tract, the MMS provided reports that form the basis of subsequent site-specific environmental studies conducted by the BLM. In FY 1982, tract delineation was completed in the Powder River, Green River-Hams Fork, Uinta-Southwestern Utah, and Southern Appalachian Federal Coal Regions.

Normally each Federal coal tract scheduled for lease sale is evaluated to estimate its value. The presale evaluations are based on geologic and engineering factors, market conditions, and comparable sales. They are utilized to make a determination of the minimum bid. The evaluations were made for competitive lease sale tracts in the Green River-Hams Fork, Uinta-Southwestern Utah, and Southern Appalachian Federal Coal Regions during FY 1982. A different form of evaluation was done for the Powder River sale and is discussed in the next section.

Postsale Evaluation Procedures

Postsale evaluation procedures were also developed and implemented by the DOI for Round One of the Powder River regional coal lease sale.

The valuation of Federal coal leases has been a problem in many instances where market sales, or market data, have been insufficient or nonexistent. This circumstance is due, in part, to the 10-year moratorium on Federal coal lease sales.

For earlier lease sales in other coal regions, a presale estimate of fair market value (FMV) had been prepared for each lease. The presale estimate would generally be published in the Federal Register as the minimum acceptable bid. The inequity that exists in this condition is recognized and addressed in the Uniform Appraisal Standards for Federal Land Acquisitions,

where it states ". . . appraisers have expressed the belief that it is more logical to speak in terms of a range of value . . ." The Federal Government estimate of FMV represents only one estimate of value within a range of values that is dependent upon the investment decisionmaking unique to each potential investor.

Setting the Federal FMV estimate as the minimum acceptable bid cuts off bidding competition by entities that have valued the lease at the lower end of the potential range of where the FMV may fall.

Currently, with the new postsale analysis method, the DOI is able to use the public sale market itself in determining whether FMV has been achieved. With the postsale method of valuation, the Federal Government can allow the auction market itself to reflect an estimate of value and DOI no longer constrains the market by its presale estimate.

The new postsale screening method devised to recognize market competition allows the DOI to examine all factors of a current auction and to determine whether it is in the best interest of the Federal Government as the "willing seller" to accept or reject any bid.

Federal Coal Royalties Collection

The MMS is responsible for collecting the royalty payments for Federal coal leases. During FY 1982, 61.0 million dollars of Federal royalties were collected on a coal production value of slightly over 1.5 billion dollars. See Appendix A, Table A-23 (page 67). On public domain lands, and with the exception of Alaska, 50 percent of the royalties is returned to the State Treasury, 40 percent is placed in a Federal reclamation fund that was established by the Reclamation Act of 1902, and 10 percent remains in the U.S. Treasury's miscellaneous receipts. Ninety percent of the royalties from Federal coal mining in Alaska is returned to the State Treasury.

The Federal royalties amounted to an average of 3.9 percent of the production value of the coal. The difference between this value and the current statutory minimum royalty requirement of 12.5 percent for surface-mined coal on new and readjusted leases results from production taking place on leases issued before the DOI converted from a fixed cents-per-ton royalty to a percent ad valorem royalty provision. The fixed cents-per-ton royalty provisions, which were frequently set at between 15.0 and 22.5 cents per ton, cannot be changed until lease readjustment.

C. GEOLOGICAL SURVEY

The major coal-related activities of the GS during FY 1982 were the efforts for the Coal Exploratory Program, National Coal Resources Data System (NCRDS), and the Coal Hydrology Program.

The Coal Exploratory Program consists of mapping, establishment of stratigraphic and correlation networks, and coal resource assessments done on a regional level as well as on a more detailed local level. Much of the data derived from these assessments and studies are entered into the NCRDS, a computer-based resource data system, and much are used directly to support the Federal coal program. In addition to these data collection activities, the GS was responsible until January 1982 for the supervision of Federal coal leases, the assessment of damages in Federal coal trespass cases, the geologic, engineering and economic evaluation of Federal coal leases and exchanges, and delineation of potential lease tracts during the coal activity planning process. The Coal Hydrology Program consists of hydrologic data collection, aerial studies, and research associated with the availability of water to support increased coal development and the impacts of such development on the hydrology. A description of these FY 1982 activities is presented in this section.

Coal Exploratory Program

Regional Geologic and Coal Resource Assessment Activities - Regional assessment activities include preparing coal resource bedrock and surficial geologic maps of coal lands and associated areas; conducting engineering-geologic and geologic hazard, coal quality, and geochemistry studies; and assessing coal resources. Data derived from these studies are compiled into folios of regional maps at the scale of 1:100,000 for areas of priority interest for Federal coal lease sales and scientific information needs. In FY 1982, regional geologic studies and coal resource assessments were underway in all coal basins west of the 100th Meridian and in the Appalachian and Gulf Coast Provinces. In addition, six State geologic agencies were supported by the GS in appraisal of their coal deposits and concerns related to coal quality, production, and utilization. In support of the Federal coal program, emphasis is placed on completing the coal folios and topographic regional base map coverage for priority areas in the western Federal coal regions.

Regional coal resource assessments are carried out on a continuing basis from year to year and require up to three years to complete because of the size of the map area (1,800 square miles per 1:100,000-scale map), the geologic complexity of the area, and other constraints. During FY 1982,

these studies provided ten bedrock geologic maps, fifteen surficial geologic maps, and several geologic hazard maps. Coal quality studies of lignite in North Dakota and subbituminous coal in central Utah and Wyoming were completed in FY 1982. Additional studies were initiated in Wyoming, New Mexico, Colorado, and Montana.

Coal Resources - Coal quantity and quality assessments show the distribution and continuity of the coal resources as well as the variations in heating value, impurities, moisture, ash content, and trace element concentrations. Coal resource mapping in fifty-four 1:100,000-scale quadrangles was in progress in FY 1982. Many of these will continue in FY 1983. In addition, there was bedrock, surficial, and engineering mapping underway in forty-four 1:100,000-scale areas in FY 1982; many of these will be completed in FY 1983.

Topical Reports - Numerous topical reports and maps on research activities that are supportive of the work of the coal program have been prepared and published by the GS. During FY 1982, sixty-one reports and nine maps on topical investigations supportive of the program were prepared and a similar number is planned for FY 1983.

National Coal Resource Data System - Approximately 30,000 drill hole and coal outcrop records were entered into the NCRDS during FY 1982. The largest contribution came from cooperative programs with eighteen State geologic agencies. In addition, more than 10,000 coal resource estimate records and 550 geochemical analysis records were entered into the system. A two-fold increase in the FY 1982 level of data entry is planned for FY 1983. The NCRDS computer calculation of coal resources for various quadrangles of the coal folio program and in State cooperative areas will continue in FY 1983.

Coal Hydrology Program

Water Resource Data Activities - In FY 1982, the GS collected data at about 225 continuous recording sites and 650 synoptic measurement sites in coal areas nationwide. Water data collected by the GS and other Federal, State, and local agencies were indexed by the National Water Data Exchange (NAWDEX) managed by the GS Water Resources Division. These indexed data have been used to produce a five volume "Index to Water Data Activities in Coal Provinces of the United States." The fifth volume, covering the Pacific Coast and Alaska Provinces, was printed in FY 1982. These printed indexes are available free and contain information about surface-water quantity and quality, ground water quality, and aerial investigations and other data-collection activities.

Hydrology of Coal Areas - A major activity under the Coal Hydrology Program is the preparation of a series of reports describing current hydrology in the principal coal areas in the Nation. Each area described is a subdivision of one of the major coal provinces, including both Federal and private coal resources where development is, or is likely to become, of major importance to either or both the local and national economies. The reports present geohydrologic information on surface and ground water resources that will aid the applications filing and review procedures for coal mining permits as required by the rules implementing the SMCRA. By the end of FY 1982, nineteen reports were published and another sixteen were in the final stages of preparation. Approximately sixty such reports are planned.

D. OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

The primary objective of the OSM is to protect society and the environment from the adverse effects of surface coal mining operations and to do so under conditions of expanded coal production consistent with the Nation's need for energy. The OSM's principal roles relative to Federal lands are to: (1) define policy and promulgate rules establishing performance standards and program administration processes; (2) review and process permit applications and mining plans, including such activities as are necessary to NEPA compliance, and recommend action on mining plans to the Secretary; (3) in States with approved State regulatory programs under Section 503 of SMCRA, negotiate Federal/State cooperative agreements for State regulations on Federal lands pursuant to Section 523(c) of the SMCRA; (4) in the absence of the Federal/State cooperative agreement, carry out the permitting, inspection and enforcement, and other functions of the regulatory authority as set forth in SMCRA; (5) provide oversight of State administration of the regulatory requirements under the terms of an approved Federal/State cooperative agreement; and (6) administer a program to designate Federal lands unsuitable for surface coal mining under the petition process specified in Sections 522(a) and (c) of the SMCRA.

SMCRA Implementation

The environmental protection provisions of the SMCRA have been enacted in two phases in accordance with Sections 501 and 502 -- the initial program and the permanent program. The initial program has been in effect since December 13, 1977, when the Secretary promulgated interim program rules (30 CFR Parts 710-725 and 795). The permanent program becomes effective in each State upon Secretarial approval of a State program or implementation of a Federal program for the State. Where a State program is approved, or conditionally approved, the State rather than the Federal Government becomes the primary regulator of activities subject to the SMCRA. By the end of FY 1982, eight States had received full program approval and sixteen States had received conditional program approval with only very minor changes required. In addition, one State program submission was undergoing review by OSM.

Petition to Designate Areas Unsuitable for Surface Coal Mining

The Tongue River petition was received by the OSM on December 29, 1980, from the Northern Great Plains Resource Council requesting designation of 194,650 acres in southeast Montana along the Tongue River as unsuitable for surface coal mining operations. The decision, dated December 22, 1981, rejected the application to designate the proposed area as unsuitable for surface coal mining. However, it placed conditions on future coal mining operations in a portion of the petition area.

The Camp Swift petition was received by the OSM on August 7, 1981. Mr. John Prager of Elgin, Texas, petitioned the OSM to have 2,375 acres of Federal land designated as unsuitable. The State regulatory authority was petitioned at the same time for approximately 30,000 acres of privately owned lands adjacent to the petitioned Federal land. The petitioned lands lie in the northeast portion of the Camp Swift Military Reservation, which is about 30 miles southeast of Austin, Texas. A decision rejecting the petition to designate the Camp Swift Military Reservation as unsuitable for surface coal mining was issued on August 6, 1982.

The Red Rim petition, submitted by the National Wildlife Federation and the Wyoming Wildlife Federation on May 10, 1982, initially only petitioned 10,160 acres of non-Federal lands in South-Central Wyoming. The petition was amended on September 27, 1982, to include an additional 10,320 acres of Federal lands, also located in the State of Wyoming. A decision as to the unsuitability of the petitioned lands will be made by September 26, 1983.

Federal/State Cooperative Agreements

During FY 1982, the Secretary entered into a permanent program cooperative agreement with the State of Colorado. Proposed cooperative agreements with the States of New Mexico, North Dakota, and Utah were published in the Federal Register and final versions were prepared for publication. Cooperative agreements with the States of Virginia and West Virginia were also being processed.

Mining Permits/Mining Plan Review

By late FY 1982 most of the States having Federal lands had received approval for their State programs, triggering the applicability of the Federal lands regulations. As a result, OSM received a large number of applications for first-time permits on Federal lands to be issued following approval of the

Rapid Assessment Methods

The extensive fish and wildlife resources that occupy Federal coal lands and the potential for conflict with management require rapid data generation, handling, and analysis for multiple-use planning. In response

States' permanent programs. At the beginning of FY 1982, OSM had 85 mining plans pending review. During the year, 49 more were received and 22 plans were approved. One hundred and twelve applications were carried over to be evaluated during FY 1983.

E. FISH AND WILDLIFE SERVICE

The primary objective of the FWS is to insure that protection of fish and wildlife resources receives adequate consideration in the development of the Nation's coal resource. This includes protection of species and habitats that might be affected by coal mining and related activities. Emphasis is placed on data gathering and analysis to identify potential areas of conflict and on assistance in developing alternatives that avoid or minimize losses or that provide opportunity for enhancement.

The FWS conducts both operational and research coal activities, with operations implemented by its Ecological Service offices located in the regions. Data support is provided by the Office of Migratory Bird Management, the Division of Wildlife Research, and the National Wetlands Inventory. Research and development support is furnished by the FWS Western Energy and Land Use Team in Fort Collins, Colorado, and other elements of the FWS Research program.

Operations

Review comments were provided to BLM on proposed regulatory changes to the Federal Coal Program. The FWS gave top priority to review and comment on OSM proposed rule changes to the Permanent Regulatory Program under SMCRA. Considerable progress was made in preparing an OSM/FWS Memorandum of Understanding. Work started on developing agreement between the two agencies on guidelines for OSM's oversight of State coal programs.

All tasks under the Texas State and Private Coal Program have been accomplished, except for intensive Abandoned Mine Land (AML) programs. Texas has few AML's and most efforts have been on the active mines sites. The FWS participates as a cooperating agency. In addition, the FWS Coal Coordinator is provided all State permit applications for review and comment. The Coal Coordinator's activities resulted in the publishing of two specific FWS documents on Texas lignite operations.

The Oklahoma surface mining permanent regulatory program has been reviewed and comments provided. OSM and the Oklahoma Department of Wildlife Conservation are being provided technical assistance to protect or mitigate

The primary regulator of surface mining in the State of Oklahoma is the State of Oklahoma, which has received full funding for its surface mining program. The State of Oklahoma has received conditional program funding for its surface mining program, which is subject to review by OSM.

losses of fish and wildlife resources. The FWS participated in development of the State AML Program. The Oklahoma Department of Mines has been provided assistance in identifying possible research and development projects and data support needs.

Inventory Data Collection

The Atlanta Region worked with BLM in promoting and implementing computerized faunal data base procedures in Kentucky and Tennessee. The Region worked with BLM in transferring National Wetlands Inventory products and FWS resource documents to the BLM's Tuscaloosa Office.

The FWS continues to coordinate national wetland inventory activities with the BLM and other Federal agencies. Draft wetland maps were completed for over 15,000 square miles of northeast Texas. Draft wetland maps were produced for 6,800 square miles of eastern Oklahoma and for nearly 4,000 square miles of Alabama covering the bulk of Federal coal in both States. Final map production for eastern Texas and Oklahoma is scheduled for FY 1983.

During FY 1982, the FWS, in cooperation with a number of State and Federal agencies, implemented a statewide fish and wildlife species information system in the State of Pennsylvania. The species information system is maintained by the Pennsylvania Game Commission and is being used for a variety of land and water use planning and management applications, including coal activities.

A similar information system is under construction for the State of Colorado. Cooperators include the Soil Conservation Service, BLM, FWS, and the Colorado Department of Natural Resources. The development phase of the project is scheduled for completion during FY 1983, followed by evaluation of the operational system during FY 1983 and FY 1984.

Raptor surveys have been conducted by the Denver Region on a continuing basis. In northwest Colorado, 3,000 square miles were surveyed in the Green River-Hams Fork coal region, in the North Park area of Colorado south of the White River. In Utah, 1,500 square miles were surveyed: the Kaiparowits Plateau, Henry Mountain, Bryce Canyon, and Glen Canyon. The Book Cliffs and Wasatch Plateau were surveyed aerially again in 1982 to verify raptor nesting sites. These data were provided BLM for Migratory Birds of High Federal Interest rankings of 33 coal tracts in the Uinta-Southwest Utah coal region. In North Dakota, raptor inventories have been conducted by the FWS in the McKensie-Williams and Southwest MFP areas for application of unsuitability criteria and for development of MFP's by BLM.

Rapid Assessment Methods

The extensive fish and wildlife resources that occupy Federal coal lands and the potential for conflict with coal management require rapid data generation, handling, and analysis for multiple-use planning. In response

to this need, the FWS developed a variety of remote sensing and computer tools known as Rapid Assessment Methods (RAM) that are designed to assist biologists, resource managers, and decisionmakers in evaluating land development impacts on fish and wildlife.

In FY 1982, RAM databases were developed for the McKensie-Williams and Southwest Planning Units in North Dakota, the Yampa-Danforth Hills area of the Green River-Hams Fork Coal Region, and the Wasatch Plateau area of the Uinta-Southwest Utah Planning Unit. These and other existing RAM databases and related assessment techniques were used by the FWS to: (1) provide tract ranking and selection recommendations to the Uinta-Southwest Utah RCT (33 tracts were ranked based upon 37 wildlife related criteria); (2) review numerous mine plans; (3) characterize the value of coal-bearing lands in the Powder River Coal Region and the Price River Resource Area (Utah) for migratory birds of high Federal interest (e.g., Prairie Falcon, Lewis' Woodpecker, Western Bluebird); and (4) provide lands unsuitable for mining recommendations to the BLM in Utah. In addition, a Development Network Database was assembled for the entire Upper Colorado River Basin (UCRB) which describes the types, locations, characteristics, and relationships among over 200 major energy and water developments planned or operating in the UCRB.

F. DEPARTMENT OF AGRICULTURE - FOREST SERVICE

The USDA, through the FS, has land management planning responsibilities for lands under its jurisdiction. In addition, the Secretary of Agriculture may recommend stipulations to be included in a lease on FS lands, must consent to the lease terms before a lease for land in a National Forest can be issued, and must consent in the approval of mining and reclamation plans for Federal coal leases on FS lands.

The FS effort in FY 1982 included conducting land and resource management planning, participating in Regional lease sales, and responding to lease applications, lease modifications, lease readjustments, exploration licenses, exchanges, PRLA's, mining permit applications, and trespass cases.

Land and Resource Management Planning - Draft Forest Plans for the San Juan, Grand Mesa, Uncompahgre, and Gunnison National Forests in Colorado have been distributed for public review. The Forest Plans include a draft report on the application of the 43 CFR 3461 Unsuitability Criteria. Similar draft plans and unsuitability reviews for the Medicine Bow National Forest in Wyoming and the White River National Forest in Colorado will be available in FY 1983. The FS continues development of plans for the Manti-LaSal, Fish Lake, and Dixie National Forests in Utah.

Regional Coal Teams - Activity Planning - The FS participated as an ex-officio member of the Regional Coal Teams for the Green River-Hams Fork, Uinta-Southwestern Utah, and Powder River Federal Coal Regions. The FS participated in activity planning in the Powder River and Uinta-Southwestern Utah Federal Coal Regions. Site specific analyses for 14 tracts were completed and 151,000 acres were made available for further consideration for leasing through planning and application of unsuitability criteria.

Leasing by Application - Lease applications responded to by the FS include:

<u>Location</u>	<u>Name</u>	<u>Status</u>
San Juan NF, Colorado	Emergency lease	Pending
Jefferson NF, Virginia	Clinchfield	Completed
Daniel Boone NF, Kentucky	Greenwood	Completed
Ouachita NF, Arkansas	Triark	Pending
Wayne-Hoosier NF, Indiana-Ohio	Boyle Coal Co.	Pending
Shawnee NF, Illinois	Peabody Coal Co.	Pending

Exploration Licenses - The FS responded to 15 licenses in Utah and 1 in Wyoming.

Coal Exchanges - The FS is assisting DOI in processing an exchange in Wyoming authorized by P.L. 95-554, that involves land in Thunder Basin National Grassland.

Lease Readjustments - The FS is taking action on 11 lease readjustments in Utah.

PRLA - The FS completed work on 9 PRLA's in Wyoming and is processing 6 in Utah.

Mining Permit/Mining Plan Review - The FS responded to mining proposals involving National Forest System Lands as follows:

<u>Location</u>	<u># Permits</u>	<u>Status</u>
Thunder Basin National Grassland, Wyoming	1	Completed
Thunder Basin National Grassland, Wyoming	3	Pending
Monongahela NF, West Virginia	6	Completed
Daniel Boone NF, Kentucky	10	Completed
Daniel Boone NF, Kentucky	10	Pending
Jefferson NF, Virginia	5	Completed
National Forests in Alabama	3	Completed
National Forests in Texas	2	Completed
Manti-LaSal NF, Utah	3	Pending

G. DEPARTMENT OF JUSTICE

Under Section 15 of the FCLAA, the DOJ must review all Federal coal leases before they are issued for potential violations of the anti-trust laws. The Department uses this information in writing the annual report, "Competition in the Coal Industry," which is required by Section 8 of the FCLAA. The DOJ also reviews regional coal leasing level proposals and is consulted on changes to the coal regulations before they are promulgated.

IV. LITIGATION

A. LITIGATION (BLM)

Two appeals referred to in last year's report have been disposed of without decision. The Secretary withdrew the appeals in Texaco, Inc. v. Andrus and NCA, et al. v. Andrus, which were consolidated, briefed, and pending argument in the District of Columbia (D.C.) Circuit Court of Appeals. These appeals related to a decision of the D.C. District Court striking several provisions of the 1979 Federal coal management rules. The appeal was withdrawn because the 1982 rule changes mooted the issues on which the appeals had been taken by changing the relevant rules, chiefly to conform to the 1980 District Court decision. In Utah International, Inc. v. Andrus, Nos. 80-1618 & 80-1629 (10th Circuit), a joint motion and stipulation settling the case and withdrawing the cross-appeals was filed. The company and the Department negotiated the terms under which the preference right lease in the case was issued. Pursuant to the stipulations, the lease was issued effective May 1, 1982.

The Tenth Circuit Court of Appeals ruled that the Secretary could not readjust coal lease terms if he failed to notify the lessee of his intention to do so prior to the twentieth-year anniversary date at which the lease is subject to readjustment. Rosebud Coal Sales Co. v. Andrus, 667 F. 2d 949 (10th Cir., Jan. 8, 1982); California Portland Cement Co. v. Andrus, 667 F. 2d 953 (10th Cir., Jan. 8, 1982). On the basis of these decisions, the Federal appeal of Western Slope Carbon Co. v. Andrus, Civil No. 79-M-1438 (D. Colo. July 14, 1981), was withdrawn, and a number of cases pending at the Interior Board of Land Appeals were remanded to the BLM State offices for action consistent with the Tenth Circuit's opinions.

Three new cases were filed during 1982. Two challenged the regional coal lease sale for the Powder River Region. In Northern Cheyenne Tribe v. Watt, Civil No. 82-116 (D. Montana), the tribe asserts that the EIS done for the sale is deficient because of its alleged failure to discuss adequately the impacts of regional leasing on plaintiff's reservation. In National Wildlife Federation v. Burford, Civil No. 82-117 (D. Montana), the plaintiff groups challenge: (1) the pre-sale procedures, alleging that the land use plans underlying the sale acreage were formulated in violation of Federal Land Policy and Management Act planning standards and that the Secretary's rules (and resulting plans) on the treatment of reclaimability in the Federal lands review under section 522(b) of the Surface Mining Act are legally deficient, and (2) the sale itself, alleging that the Department failed to receive fair market value for the lease tracts sold. The cases were originally filed in the U.S. District Court for the District of Columbia where a motion for a restraining order against the lease sale was denied. On the government's motion, the cases were consolidated and transferred to the Federal court in Montana. A hearing on summary judgment motions was scheduled for December 1982 in Billings. The State of Wyoming and several lessees have intervened as defendants.

In Natural Resources Defense Council v. Burford, Civil No. 82-2763 (D. D.C.), eight groups have joined to challenge the July 1982 revisions to the July 1979 coal program rules. The suit seeks (1) to enjoin implementation of the revised coal regulations, (2) to declare the revised regulations improperly issued, and (3) to enjoin any future coal lease sale until the reclaimability standard of section 522(a)(2) of the Surface Mining Act is applied to lease tracts prior to a sale.

In support of their lawsuits, the plaintiffs allege that the Department violated the National Environmental Policy Act, the rulemaking provisions of the Administrative Procedure Act, and various provisions of the Federal Coal Leasing Amendments Act of 1976, the Federal Land Policy and Management Act of 1976, and the Surface Mining Control and Reclamation Act of 1977. The government filed its answer to the plaintiffs' complaint in November 1982.

B. LITIGATION (OSM)

There have been two challenges related to mining Federal coal pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

In Natural Resources Defense Council v. OSM, IBSMA No. 81-83, the plaintiff challenged OSM's permitting of Atlantic-Richfield Company's Mt. Gunnison No. 1 underground mine in Gunnison County, Colorado. The petition challenged OSM's findings concerning the cumulative hydrologic impact assessment and, specifically, the subsidence hydrologic impacts of the mine.

In Utah International, Inc. v. Watt, CA C-81-0090W (Consolidated) USDC, District of Utah, the consolidated cases involved challenges to former Secretary Andrus' decision designating certain lands in the Alton coal field in southern Utah as unsuitable for surface mining pursuant to Section 522 of the SMCRA of 1977. All parties have filed motions for partial summary judgments.

V. MAJOR ISSUES AND RECOMMENDATIONS

A. LEASING TO RAILROAD-AFFILIATED ENERGY FIRMS

Background and History

Beginning in 1850, the Congress granted land to many railroads for the purpose of encouraging development of the west. The grants generally consisted of 200 to 400 foot rights-of-way for trackage and alternating (square mile) sections of land on either side of the right-of-way ranging from 6 to 20 miles. A total of 89 grants were made, but 17 were later forfeited due to lack of performance. Under the remaining 72 grants, more than 131 million acres of land were actually transferred to the railroads. The grants created three corridors through Western States with land ownership patterns like checkerboards--the railroads and the Federal Government owning alternating sections. Although some of the grants excluded mineral rights, coal and iron were not excluded; therefore, the railroads initially owned both surface and coal rights in the checkerboard areas.

Over the years, some railroads merged with others or were sold. Currently, the checkerboard areas in the major coal regions are adjacent to the Burlington Northern Railroad, through North Dakota and Montana; the Union Pacific Railroad, through Colorado, Wyoming, and Utah; and the Santa Fe Railroad, through New Mexico and Arizona. As a group, the companies which own these three railroads are reported to own about 15 billion tons of coal resources, which is roughly equal to the Federal coal resources in the checkerboard areas.

The Mineral Lands Leasing Act of 1920 (MLA) (30 U.S.C. 181 et seq.) prohibits any company operating a common-carrier railroad from holding Federal coal leases. Current Federal law also restricts a railroad's ability to mine and transport its reserves. Under the Elkins Amendment to the Hepburn Act of 1906 (49 U.S.C. 1(8)), railroads are prohibited from carrying coal that they own--except coal for the railroad's own use, a need that has virtually disappeared since the advent of the diesel locomotive. Although this legislation appears to seriously restrict railroad participation in the coal industry, much of it is considered outdated and ineffective. More importantly, the restrictions are easily circumvented, as explained in the November 1980 Department of Justice (DOJ) report on "Competition in the Coal Industry."

In that report, the DOJ concludes that a potentially more serious restriction is imposed by section 2(c) of the MLA. Pointing out that sections of railroad land contained within the checkerboard patterns are too small to constitute mining units, the report concluded that section 2(c), which prevents railroads from acquiring Federal leases, makes it impossible for railroads to mine coal efficiently.

Department of the Interior Position

Section 2(c) of the MLA reads in part:

"No company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of this Act for any coal deposits except for its own use for railroad purposes"

An earlier DOI Solicitor cited the legislative history of the disputed section 2(c) as indicating that Congress intended to allow railroad affiliates to lease coal. The DOJ's Antitrust Division in 1980 disagreed with DOI. Both Departments joined in endorsing the repeal of section 2(c) by the 97th Congress, saying that it was no longer necessary to foster competition in a practical way.

The DOI, after an intensive review of the issue, decided to halt future leasing of Federal coal deposits to energy firms which are corporate affiliates of common-carrier railroads.

The decision not to lease to rail company affiliates effectively removes inconsistencies in the positions previously taken by the two Departments, thus giving the Federal Government a united policy on the subject.

The decision came after review of a legal opinion issued December 6, 1982, by the DOI Solicitor, which modifies DOI's legal interpretation of section 2(c) of the Mineral Leasing Act of 1920. The opinion holds that the ambiguous language of section 2(c) may reasonably be construed in more than one way and that DOI's policy should be changed to conform with that of DOJ. Existing coal leases held by railroad affiliates are not affected by the new policy, however.

Alternatives to Federal Coal Leasing within Checkerboard Ownership

Cooperative Leasing

As an adjunct to establishing leasing procedures, the DOI is experimenting with cooperative leasing agreements as a possible alternative for use in checkerboard areas like those existing on railroad lands.

In western checkerboard areas small, unminable Federal coal tracts are divided by alternating private tracts of equal size. There is little competition for checkerboard area leases and, consequently, lease sale revenues

may be reduced. Cooperative leasing conceivably could increase competition, increase sale revenues, and lead to mining of Federal coal that might not otherwise be developed.

The cooperative leasing concept combines both the surface and coal rights to Federal and private tracts before the actual lease sale. By packaging what are essentially complete mining units in this fashion, the DOI could overcome previous market imperfections and--in doing so--substantially increase competition for Federal leases and thus revenues from lease sales. However, packaging all the surface and coal rights to Federal and private tracts is not easy and, in some cases, may not be possible. Packaging less than all the rights to either the private or Federal tract will likely result in smaller increases in competition and lease sale revenues. Because the DOI has not yet conducted its first cooperative leasing sale, the extent to which full or partial implementation of the concept might increase competition or lease sale revenues is still uncertain.

Cooperative Leasing of the Red Rim Tract, South-Central Wyoming

Red Rim is the final tract remaining for lease sale from among the first round tracts in the Green River-Hams Fork Federal coal production region. In an experiment designed to increase competition for Federal coal in the railroad checkerboard, the DOI and Rocky Mountain Energy Company (RME) proposed an agreement to lease Red Rim cooperatively. The high bidder in the Federal auction would have an option to purchase a lease on RME lands in the tract at terms set before the sale. This cooperative leasing proposal became part of the 2(c) controversy because of the possibility that RME (a railroad affiliate) might become the high bidder and eventually be awarded a lease for the Federal lands in the combined mining unit. The change in policy on leasing to railroad affiliates means that RME would no longer be qualified to hold a Federal lease. Any further action on leasing Red Rim is awaiting the completion of processing the unsuitability petition filed by the National Wildlife Federation.

Exchanges

Railroads have, from time to time, proposed exchanges in which title to the coal on the Federal lands would pass from the United States to the railroad and title to coal on railroad lands would pass to the United States. Such exchanges are authorized by section 206 of the Federal Land Policy and Management Act of 1976 (FLPMA) and, if carried out, would involve an exchange of titles to coal and not coal leases. For this reason, and by reason of the express provisions of section 37 of the MLA, section 2(c) has no direct application in this case. Exchanges would, however, remove 2(c) conflicts by providing viable mining units without need for leasing. This positive effect is blunted by the fact that exchanges continue to be one of the most difficult and costly of all the BLM land/ mineral transactions.

Exchange Proposal - Meridian Lands and Minerals Company

On November 2, 1981, Meridian Lands and Minerals Company submitted a proposal to exchange title to coal in Meridian and Federal coal lands in the Circle West coal deposits in McCone County, Montana. This company is an affiliate of Burlington Northern Railroad. The exchange would result in two mining units containing at least 350 million tons of coal each with either Meridian or Federal ownership. At present the area has a checkerboard ownership pattern.

On May 25, 1982, an agreement to study the lands involved in the exchange was signed between Meridian and the BLM. This agreement will determine resource values and assist both Meridian and the BLM to determine future necessary action.

Conclusions and Recommendations

1. Elimination of the 2(c) issue through repeal of that statutory section would simplify the leasing process and make leasing more competitive.
2. The concept of cooperative leasing should be tested in a lease sale.
3. Exchanges should continue to be used on a case-by-case basis for resolution of particular problems or realization of particular opportunities.

B. DILIGENT DEVELOPMENT REQUIREMENTS

If development of a Federal coal lease does not result in production of commercial quantities within ten years of lease issuance, the lease must, by law, be terminated. This requirement, equated to the requirement of diligent development by DOI rule, was mandated by the Federal Coal Leasing Amendments Act (FCLAA) for all leases issued and readjusted after August 4, 1976, the date the Act was passed. The FCLAA does not allow for any extensions or exceptions to this requirement. However, the BLM-State leasing level task force has determined that an inventory of uncommitted coal reserves should be maintained under lease. This inventory should be of size sufficient to provide full competition among coal firms for coal supply contracts. Maintenance of this inventory in the face of a 10-year requirement poses several problems.

A 10-year diligence requirement provides Federal coal lessees only a short time to compete for coal supply contracts. It can take as long as 7-years for a firm to get into production after it obtains a coal supply contract in the case of new, large, western surface mines. This can leave the firm as little as 3-years to pull together an economic mining unit

(composed of the lease and adjacent private coal and surface rights) and obtain a coal supply contract for this mining unit. In such cases, if a firm has not received a contract within this 3-year period, its lease is essentially undevelopable.

The problem from the point of view of the DOI is that, if competition for coal supply contracts is to be maintained in a region, the DOI may be forced to restock much of the region's coal lease inventory every 3-years. This is a complicated administrative task, made more difficult by the fact that it requires general recognition that a large number of outstanding 4-to-10-year old leases were no longer viable candidates for development.

Given the long lead times necessary to begin coal development in the West and the need to maintain competition for coal supply contracts, the 10-year diligent development requirement for Federal coal leases may be too short.

Conclusions and Recommendations

The impacts of the diligent development requirement should continue to be studied in order to prepare specific recommendations.

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COAL STATISTICS

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TABLE A-1

FEDERAL COAL LEASES ISSUED DURING
FISCAL YEAR 1982

Effective Lease Date	State	Lessee(s)	Tract Name	Serial Number	Acreage	Recoverable Resources Tonnage (million tons)	Royalty Rate (percent)	Bonus Bid (\$/acre)
10/1/81	Utah	Utah Power & Light Co.	Cottonwood	U47978	3,347	23.12	8.0	3,150.00
10/1/81	Utah	Utah Power & Light Co.	Meetinghouse Canyon	U47979	1,063	12.40	8.0	805.00
10/1/81	Utah	Coastal States Energy Co.	-	U47080	1,158	13.80	8.0	809.00
11/1/81	Colorado	National King Coal Co.	-	C29125	180	.84	8.0	52.00
11/1/81	Colorado	Wyoming Fuel Co.	-	C31805	376	1.20	12.5	25.68
12/1/81	Utah	Kanawha & Hocking Coal Co.	Gordon Creek	U47975	4,284	26.00	8.0	355.00
12/1/81	Utah	Kanawha & Hocking Coal Co.	Miller Creek	U47974	1,999	17.32	8.0	630.00
12/1/81	Utah	R.J. Hollberg	-	U7958	3,794	20.30	8.0	-
1/1/82	Alabama	Jennings Coal Co.	Upper North River	ES26902	41	.39	6.6	136.00
2/1/82	Alabama	Apex Mining Co.	Upper Sulphur Springs Church	ES26904	39	.05	12.5	110.50
2/1/82	Alabama	Apex Mining Co.	Goodwin Creek	ES26900	202	.47	12.5	110.50
2/1/82	Alabama	Gulf Oil/Republic Steel	North River	ES26901	1,198	5.90	6.6	35.00
2/1/82	Alabama	U.S. Steel	Rock Springs Church	ES27072	3,480	30.90	6.6	30.00
2/1/82	Oklahoma	Kenneth R. Gaither	-	NM3099	5,707	12.60	8.0	-

FEDERAL COAL LEASES ISSUED DURING
FISCAL YEAR 1982
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FEDERAL ENERGY

TABLE A-1 CONT'D
FEDERAL COAL LEASES ISSUED DURING
FISCAL YEAR 1982

Effective Lease Date	State	Lessee(s)	Tract Name	Serial Number	Acreage	Recoverable Resources Tonnage (million tons)	Royalty Rate (percent)	Bonus Bid (\$/acre)
2/1/82	Utah	Utah Power & Light Co.	-	U1362	18,325	40.50	8.0	-
3/1/82	Alabama	J.J. Israel	Elm Grove	ES27220	80	.07	12.5	25.00
3/1/82	Wyoming	China Butte Coal Co.	China Butte	W73096	5,974	62.73	12.5	300.00
4/1/82	Wyoming	Big Horn Coal Co.	-	W69981	360	27.80	12.5	25.00
4/1/82	Oklahoma	Lone Star Steel Co.	-	NM44130	200	.05	12.5	40.00
5/1/82	Colorado	American Minority Mining	Grassy Creek	C29221	400	1.80	12.5	28.00
5/1/82	Kentucky	Ryan's Creek Coal Co.	-	ES21181	1,965	4.60	8.0	25.00
5/1/82	Colorado	Utah International	-	CO123475	2,082	115.20	8.0	8,150.00
5/1/82	New Mexico	Dahlgren Contracting, Inc.	-	NM50270	80	.13	12.5	790.00
6/1/82	Colorado	Western Fuels Utah Inc.	-	C8424	2,552	15.60	12.5 & 8.0	-
6/1/82	Colorado	Western Fuels Utah Inc.	-	C8425	560	20.60	12.5 & 8.0	-
7/1/82	Alabama	Jerry Williams	Jess Creek	ES27218	1,972	5.15	8.0	80.00
7/1/82	Alabama	Ark Land Coal Co.	Howard	ES27228	821	.92	12.5	235.00
7/1/82	Alabama	Alabama Electric Cooperative Cooperative	Piney Woods Church	ES27217	198	.06	12.5	25.00
7/1/82	Wyoming	Edison Development Co.	-	W50061	7,066	103.00	8.0	232.02
8/1/82	Montana	Western Energy	Colstrip A & B	M54711	1,633	58.50	12.5	25.50

TABLE A-1 CONT'D

FEDERAL COAL LEASES ISSUED DURING
FISCAL YEAR 1982

Effective Lease Date	State	Lessee(s)	Tract Name	Serial Number	Acreage	Recoverable Resources Tonnage (million tons)	Royalty Rate (percent)	Bonus Bid (\$/acre)
8/1/82	Montana	Western Energy	Colstrip C	M54712	893	18.90	12.5	25.50
8/1/82	Montana	Western Energy	Colstrip D	M54713	2,250	43.20	12.5	25.50
8/1/82	Colorado	Western Fuels Utah Inc.	-	CO126669	259	1.56	8.0	-
9/1/82	Wyoming	Meadowlark Farms	Little Rawhide	W78631	530	90.00	12.5	14,000.00
9/1/82	Wyoming	Shell Oil Co.	Spring Draw	W78634	3,687	323.00	12.5	7,025.00
9/1/82	Wyoming	Neil Butte Co.	Keeline	W78635	3,238	170.00	12.5	500.00
9/1/82	Montana	Montana Royalty Co.	West Decker Creek	M54716	40	5.00	12.5	500.00
9/1/82	Wyoming	Meadowlark Farms	South Duck Nest	W78629	1,154	143.00	12.5	3,125.00
9/1/82	Utah	Soldier Creek Coal Co.	-	U50722	400	3.70	8.0	2,750.00

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-2

RESULTS OF REGIONAL COAL LEASE SALES HELD DURING FISCAL YEAR 1982

Sale Date	Tract Name	High Bidder	Serial Number	Acres	Recoverable		Royalty (%)	Bonus Bid (\$ Per Acre)	Location of Tract	GR-HF
					Resources (In Mil.Tons)					
10-28-81	China Butte	China Butte Coal Co.	W-73096	5,974	62.73		12.5	300	Wyoming Carbon Co.	
12-16-81	Jess Creek	Jerry Williams	ES-27218	1,972	5.15		8	80	Alabama Walker Co.	S.App.
12-16-81	Dividing Ridge	Abston Construction Co.	ES-27221	638	1.17		12.5	420	Alabama Fayette Co.	S.App.
12-16-81	Howard	Ark Land Coal Co.	ES-27228	821	0.92		12.5	235	Alabama Fayette Co.	S.App.
12-16-81	Piney Woods Church	Alabama Electric Cooperative	ES-27217	198	0.06		12.5	25	Alabama Tuscaloosa Co.	S.App.
2-25-82	Kingston	Consolidation Coal Co.	U-50044	160	2.27		8	990	Utah Emery Co.	Uinta-SW Utah
4-06-82	Danforth Hills No. 2	Utah International	C-29225	2,368	63.70		12.5	3,000	Colorado Moffat Co.	GR-HF
4-06-82	Danforth Hills No. 3	Consol Land Development Co.	C-29226	1,895	48.70		12.5	8,475	Colorado Rio Blanco Co.	GR-HF

TABLE A-2 CONT'D

RESULTS OF REGIONAL COAL LEASE SALES HELD DURING FISCAL YEAR 1982

Sale Date	Tract Name	High Bidder	Serial Number	Recoverable				Location of Tract
				Acres	Resources (In Mil.Tons)	Royalty (%)	Bonus Bid (\$ Per Acre)	
4-28-82	Little Rawhide	Meadowlark Farms	W-78631	530	90.00	12.5	14,000	Wyoming Campbell Co. P.River
4-28-82	Spring Draw	Shell Oil Co.	W-78634	3,687	323.00	12.5	7,025	Wyoming Campbell Co. P.River
4-28-82	South Duck Nest	Meadowlark Farms	W-78629	1,154	143.00	12.5	3,125	Wyoming Campbell Co. P.River
63	4-28-82	Coal Creek	Wesco Resources Inc.	M-54710	1,033	60.00	12.5	340 Montana Powder River & Rosebud Cos. P.River
4-28-82	Colstrip A & B	Western Energy	M-54711	1,633	58.50	12.5	25.50	Montana Rosebud Co. P.River
4-28-82	Colstrip C	Western Energy	M-54712	893	18.90	12.5	25.50	Montana Rosebud Co. P.River
4-28-82	Colstrip D	Western Energy	M-54713	2,250	43.20	12.5	25.50	Montana Rosebud Co. P.River
	4-28-82	Keeline	Neil Butte Co.	W-78635	3,238	170.00	12.5	500 Wyoming Campbell Co. P.River

TABLE A-2 CONT'D
RESULTS OF REGIONAL COAL LEASE SALES HELD DURING FISCAL YEAR 1982

Sale Date	Tract Name	High Bidder	Serial Number	Acres	Recoverable Resources (In Mill.Tons)	Royalty (%)	Bonus Bid (\$ Per Acre)	Location of Tract
4-28-82	West Decker Creek	Montana Royalty Co.	W-54716	40	5.00	12.5	500	Wyoming Sheridan Co. P. River
4-28-82	Cook Mountain	Thermal Energy	M-54714	2,096	178.00	12.5	2,123	Montana P.River Powder River & Rosebud Cos.
5-27-82	Rilda Canyon	Westappa Coal Co.	U-47977	640	7.50	8.0	8,150	Utah Emery Co. Uinta-SW Utah
9-15-82	Brannon Creek	Ark Land Coal Co.	ES-27219	480	0.30	12.5	152	Alabama S.App. Walker, Tuscaloosa & Fayette Cos.
9-15-82	Little Tyro Creek	Jerry Williams	ES-27222	561	0.20	12.5	130	Alabama S.App. Tuscaloosa Co.
9-15-82	Flatwoods	Jerry Williams	ES-27227	478	0.60	12.5	211	Alabama S.App. Fayette Co.

NOTE: Does not include tracts for which no bids were received or which had all bid(s) rejected.

GR-HF - Green River-Hams Fork

P. River - Powder River

S. App. - Southern Appalachian

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-3

LEASES SOLD IN ALL REGIONAL SALES
(January 1981 Through October 1982)

REGIONS	DATE OF SALE	ACRES	TOTAL RECOVERABLE RESOURCES (In Mil. Tons)	TOTAL HIGH BONUS BIDS
Green River-Hams Fork	January 1981	11,283	87.9	\$1,730,277
	April 1981	5,572	64.3	9,013,430
	October 1981	5,974	62.7	1,792,227
	April 1982	4,262	112.4	23,164,125
	Total to Date	27,091	327.3	\$35,700,060
Powder River	April 1982	16,554	1,089.6	\$43,484,434
	October 1982	5,176	471.6	23,689,632
	Total to Date	21,730	1,561.2	\$67,179,066
Southern Appalachian	June 1981	5,040	37.8	\$180,537
	December 1981	3,629	7.3	623,605
	September 1982	1,520	1.1	247,114
	Total to Date	10,189	46.2	\$1,051,256
Uinta Southwestern Utah	July 1981	10,854	79.7	\$14,200,410
	February 1982	160	2.3	158,400
	May 1982	640	7.5	5,216,000
	Total to Date	11,654	89.5	\$19,574,810
Total All Regions	To Date	70,664	2,024.2	\$123,505,192

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-4
RESULTS OF LEASE BY APPLICATION SALES HELD DURING FISCAL YEAR 1982

Date Of Sale	High Bidder	Serial No.	Acreage	Recoverable Resources (In Mil. Tons)	Royalty Rates (%/Ton)	Bonus Bid (\$/Acre)	Location
10/28/81	Big Horn Coal Co.	W69981	360	27.80	12.5	\$25.00	Wyoming (P. River)
12/03/81	Lone Star Steel Co.	NM44130	200	0.05	12.5	40.00	Oklahoma (W. Interior)
02/23/82	Dahlgren Contract- ing Inc.	NM50270	80	0.13	12.5	790.00	Oklahoma (W. Interior)
04/07/82	Edison Development Co.	W50061	7,066	103.00	8.0	232.02	Wyoming (Green River- Hams Fork)
06/29/82	Clinchfield Coal Co.	ES24616	251	0.03	8.0	110.00	Virginia
08/13/82	Soldier Creek Coal Co.	U50772	400	3.70	8.0	2,750.00	Utah (Uinta-SW Utah)

NOTE: Does not include tracts which did not receive any bids or which had all bid(s) rejected.

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-5

SMALL BUSINESS SET-ASIDE TRACTS
OFFERED FOR SALE DURING FISCAL YEAR 1982

Tract Name	High Bidder	Coal Production Region	Acreage	Recoverable Resources (In Mil. Tons)	Royalty Rate (%/ton)	Bonus Bid (\$/Acre)
Coal Creek	Wesco Resources Inc.	Powder River	1,033	60.00	12.5	\$340.00
Little Tyro Creek	Jerry Williams	Southern Appalachian	562	.22	12.5	129.95

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-6

FEDERAL COAL LEASES SOLD IN FISCAL YEAR 1982
LISTED BY REGION

Region	Tract Name	Type of Sale	Acres Offered at Sale	Recoverable Resources Offered at Sale		Accepted Bid \$/Acre	Minimum Bid \$/Acre	Accepted Bid \$/Ton
				(In Mil. Tons)	(In Dollars)			
Green River-Hams Fork	Danforth Hills No. 2	RS	2,368	63.70	7,104,000	3,000.00	810.00	.1100
	Danforth Hills No. 3	RS	1,895	48.70	16,060,125	8,475.00	770.00	.3300
	Edison Devel. Co.	H	7,066	103.00	1,639,453	232.02	25.00	.0159
	China Butte	RS	5,974	62.73	1,792,227	300.00	25.00	.0300
	Totals		17,303	278.13	26,595,805	--	--	--
Powder River	Coal Creek	RS-SB	1,033	60.00	351,220	340.00	25.00	.0059
	Colstrip D	RS	2,250	43.20	57,375	25.50	25.00	.0013
	Colstrip A & B	RS	1,633	58.50	41,642	25.50	25.00	.0007
	Colstrip C	RS	893	18.90	22,772	25.50	25.00	.0012
	Cook Mountain	RS	2,096	178.00	4,450,000	2,123.00	2,123.00	.0025
	West Decker	RS	40	5.00	20,000	500.00	25.00	.0040
	South Duck Nest	RS	1,154	143.00	3,606,250	3,125.00	3,100.00	.0252
	Keeline	RS	3,238	170.00	1,619,000	500.00	25.00	.0095
	Little Rawhide Creek	RS	530	90.00	7,420,000	14,000.00	13,600.00	.0824

TABLE A-6 CONT'D

FEDERAL COAL LEASES SOLD IN FISCAL YEAR 1982
LISTED BY REGION

Region	Tract Name	Type of Sale	Acres Offered at Sale	Recoverable Resources Offered at Sale		Accepted Bid \$/Acre	Minimum Bid \$/Acre	Accepted Bid \$/Ton
				(In Mil. Tons)	(In Dollars)			
Powder River cont'd	Spring Draw	RS	3,687	323.00	25,901,175	7,025.00	7,000.00	.0802
	Big Horn Coal	BP	360	27.80	9,000	25.00	25.00	.0003
	Totals		16,914	1,117.40	43,498,434	--	--	--
Southern Appalachian	Brannon Creek	RS	480	.27	73,248	152.60	100.00	.2673
	Dividing Ridge	RS	638	1.17	267,960	420.00	420.00	.2290
	Flatwoods	RS	478	.56	100,834	210.95	100.00	.1810
	Howard	RS	821	.92	192,935	235.00	135.00	.2097
	Jess Creek	RS	1,972	5.15	157,760	80.00	25.00	.0306
	Little Tyro Creek	RS-SB	562	.22	73,032	129.00	100.00	.3319
	Piney Woods Church	RS	198	.06	4,950	25.00	25.00	.0825
Uinta-SW Utah	Totals		5,149	8.35	870,719	--	--	--
	Kingston	RS	160	2.27	158,400	990.00	990.00	.0698
	Rilda Canyon	RS	640	7.50	5,216,000	8,150.00	2,337.00	.6954

TABLE A-6 CONT'D

FEDERAL COAL LEASES SOLD IN FISCAL YEAR 1982
LISTED BY REGION

Region	Tract Name	Type of Sale	Acres Offered at Sale	Recoverable Resources Offered at Sale		Total High Bid	Accepted Bid \$/Acre	Minimum Bid \$/Acre	Accepted Bid \$/Ton
				(In Mil. Tons)	(In Dollars)				
	Soldier Creek Coal Co.	H	400	3.70	1,100,000	2,750.00	2,750.00	2,750.00	.2972
		Totals		1,200	13.47	6,474,400	--	--	--
Nonregional Sales	Dahlgren Contracting Co. (Oklahoma)	LBA	80	.13	63,200	790.00	25.00	25.00	.4862
	Lone Star Steel Co.	LBA (Oklahoma)	200	.05	8,000	40.00	25.00	25.00	.1600
	Clinchfield Coal	LBA (Virginia)	251	.30	27,610	110.00	110.00	110.00	.0900
		Totals		531	.48	98,810	--	--	--
	Total All Regions		41,097	1,417.83	77,538,168	--	--	--	--

BP - Bypass (Application)
 H - Hardship (Application)
 LBA - Lease By Application
 RS - Regional Sale
 RS-SB - Regional Sale (SBA set-aside)

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-7

ROYALTY REVENUES FROM FEDERAL COAL LEASES,
BY STATE: 1965 TO 1982

STATE	FY 1965	FY 1970	FY 1975	FY 1980	FY 1981	FY 1982
<u>TOTAL</u>	\$777,551	\$1,069,935	\$4,857,423	\$24,568,692	\$40,280,418	\$61,062,456
Alabama	NA	106	24,394	31,669	0	3,686
Alaska	52,244	41,146	51,438	0	0	0
Colorado	150,405	303,405	364,035	7,115,564	11,952,875	13,170,861
Kentucky	36,193	NA	126,643	10,830	0	0
Montana	16,826	11,027	1,219,863	2,065,885	3,922,771	8,782,544
New Mexico	62,304	1,347	242,716	1,472,900	3,440,772	7,841,138
North Dakota	36,567	135,997	60,013	272,272	101,677	745,253
Oklahoma	23,695	54,053	43,199	826,942	1,009,820	1,110,490
Utah	271,375	299,547	456,480	3,968,073	5,094,133	5,833,291
Washington	NA	NA	18,851	0	0	13,115
Wyoming	125,790	222,805	2,249,791	8,804,557	14,758,370	23,562,078

NA: Not Available

NOTE: Details may not add to total due to rounding. The statistics for FY 1982 represent production and royalty reported during FY 1982 and adjustments made during FY 1982 for prior periods. The FY 1982 royalty management statistics may not represent actual production achieved in FY 1982 or the royalty accrued on that production due to adjustment for previous years. This data is unpublished.

SOURCE: U.S. Department of the Interior, Minerals Management Service, Royalty Management Office.

TABLE A-8

FEDERAL COAL PRODUCTION VALUE AND ROYALTY PAYMENTS
BY STATE: FISCAL YEAR 1982

State	Coal Production (Tons)	Production (Value(s))	Royalty (Value(s))
<u>TOTAL</u>	104,429,888	\$1,546,321,713	\$61,062,456
Alabama	2,178	92,160	3,686
Colorado	9,157,131	210,369,532	13,170,861
Montana	25,194,856	313,433,868	8,782,544
New Mexico	4,847,393	92,731,433	7,841,138
North Dakota	1,190,079	9,984,697	745,253
Oklahoma	245,676	10,563,890	1,110,490
Utah	7,892,365	209,078,609	5,833,291
Washington	65,574	804,322	13,115
Wyoming	55,834,635	699,263,202	23,562,078

NOTE: The statistics for FY 1982 represent production and royalty reported during FY 1982 and adjustments made during FY 1982 for prior periods. The FY 1982 royalty management statistics may not represent actual production in FY 1982 or the royalty accrued on that production due to adjustments for previous years. This data is unpublished.

SOURCE: U.S. Department of the Interior, Minerals Management Service, Royalty Management Office.

TABLE A-9

NUMBER OF PRODUCING LEASES AND PRODUCTION,
BY STATE: FISCAL YEAR 1982

State	Producing Leases		Production in FY 1982	
	Number	Acreage	In Thousand Tons	
TOTAL	111	204,252	104,430	TOTAL
Alabama	1	2,388	2	
Colorado	29	28,282	9,157	
Montana	10	23,455	25,195	
New Mexico	4	10,031	4,847	
North Dakota	4	4,721	1,190	
Oklahoma	4	2,936	246	
Utah	32	54,694	7,892	
Washington	1	241	66	
Wyoming	26	77,504	55,835	

NOTE: Details may not add to total due to rounding. The statistics represents production and royalty reported during FY 1982 and adjustments made during FY 1982 for prior periods. The FY 1982 royalty management statistics may not represent actual production achieved in FY 1982 or the royalty accrued on that production due to adjustments for previous years. This data is unpublished.

SOURCE: U.S Department of the Interior, Minerals Management Service,
Royalty Management Office.

TABLE A-10

NUMBER OF PRODUCING LEASES AND PRODUCTION,
BY REGION: FISCAL YEAR 1982

Region	Producing Leases		Production in FY 1982	
	Number	Acreage	In Thousand Tons	
TOTAL	111	204,252	104,430	
So. Appalachian	1	2,388	2	
Fort Union	5	5,441	1,324	
Green River-	27	53,758	15,090	
Hams Fork				
Powder River	21	58,037	72,666	
San Juan River	5	10,191	4,935	
Western Interior	4	2,936	246	
Uinta-SW Utah	47	71,259	10,099	
Other	1	241	65	

NOTE: Details may not add to total due to rounding. The statistics represent production and royalty reported during FY 1982 and adjustments made during FY 1982 for prior periods. The FY 1982 royalty management statistics may not represent actual production achieved in FY 1982 or the royalty accrued on that production due to adjustments for previous years. The data is unpublished.

SOURCE: U.S Department of the Interior, Minerals Management Service,
Royalty Management Office.

FEDERAL COAL LEASE ACREAGE

TABLE A-11

SURFACE ACREAGE OF LEASES, BY STATE AND BY
SURFACE OWNERSHIP: SEPTEMBER 30, 1982

State	Number of Leases	Total Acres	FEDERAL LANDS			Native American	State	Private
			BLM	FS	OTHER			
TOTAL	616	927,100	417,081	89,665	1,444	9,149	40,744	369,016
Alabama	11	10,937						10,937
Alaska	2	679	600					79
California	1	80	80					
Colorado	143	156,853	65,785	22,589	40			68,424
Kentucky	5	4,337		4,337				
Montana	26	42,319	1,506					40,815
New Mexico	29	44,761	20,047			9,149	7,086	8,478
North Dakota	18	16,620						16,620
Oklahoma	49	78,387	890					77,499
Oregon	3	5,411	538	4,874				
Pennsylvania	2	80			80			
Utah	212	314,304	211,456	53,904				31,577
Washington	2	521						241
Wyoming	113	251,810	116,178	3,960	1,324			280
								1,840
								128,518

NOTE: Details may not add to total due to rounding.

SOURCE: U.S. Department of the Interior, Bureau of Land Management,
Division of Coal, Tar Sand and Oil Shale, Automated Coal
Lease Data System, September 30, 1982.

TABLE A-12

SURFACE ACREAGE OF LEASES, BY REGION AND BY
SURFACE OWNERSHIP: SEPTEMBER 30, 1982

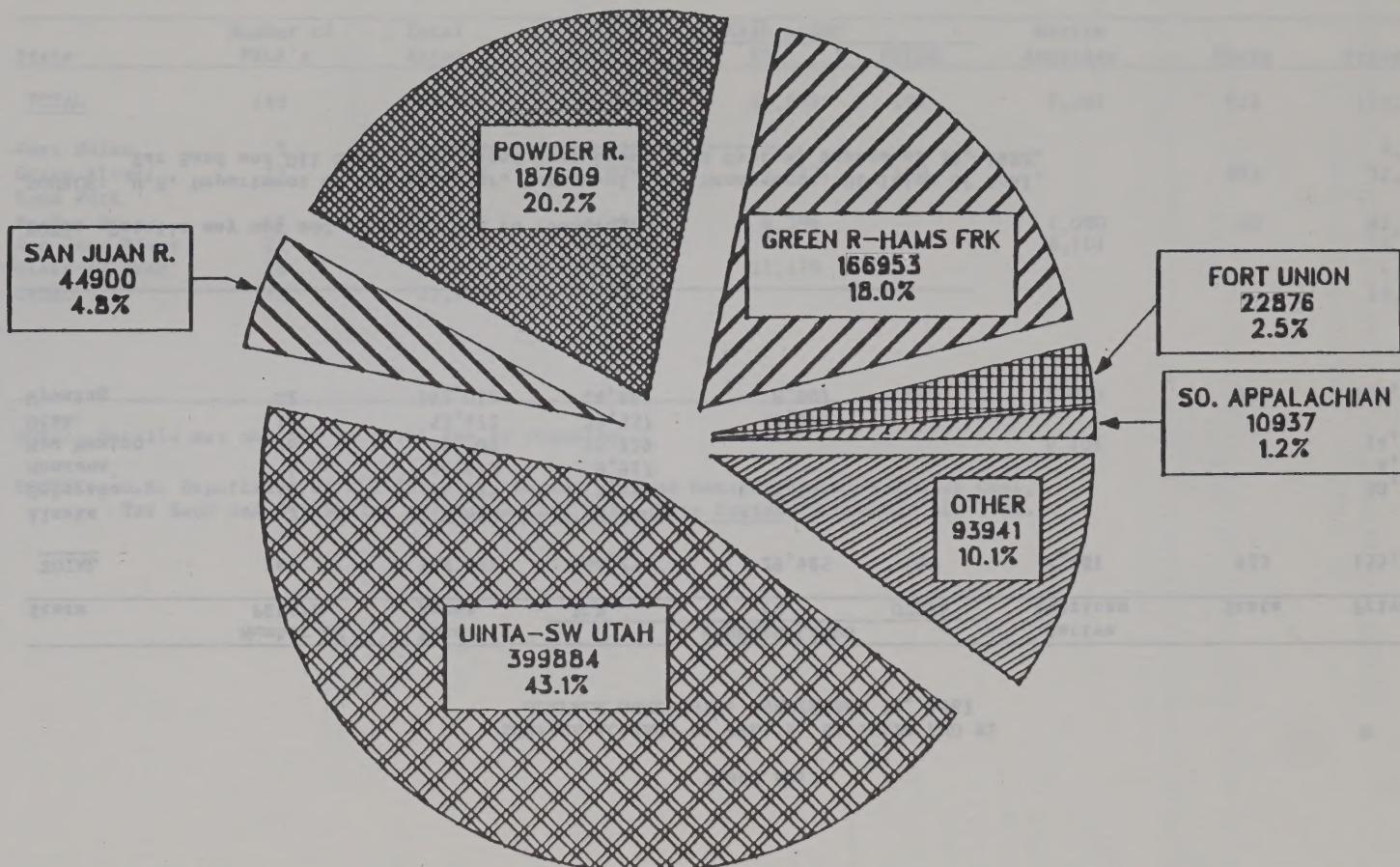
Region	Number of Leases	Total Acres	FEDERAL LANDS			Native American	State	Private
			BLM	FS	OTHER			
TOTAL	616	927,100	417,081	89,665	1,444	9,149	40,744	369,016
So. Appalachian	11	10,937						10
Fort Union	22	22,876	160					22,716
Green River-Hams Fork	115	166,953	111,346	400	1,364		120	53,714
Powder River	85	187,609	20,281	3,280			1,720	161,979
San Juan River	28	44,900	20,047			9,149	7,046	8,657
Uinta-Southwestern Utah	278	399,884	262,857	76,493			31,577	28,947
Other	77	93,941	2,388	9,492	80		281	81,705

NOTE: Details may not add to total due to rounding. Data in this table is used in figure 1.

SOURCE: U.S. Department of the Interior, Bureau of Land Management,
Division of Coal, Tar Sand and Oil Shale, Automated Coal
Lease Data System, September 30, 1982.

Figure 1

FEDERAL COAL LEASE ACREAGE By Coal Regions



SOURCE: Automated Coal Lease Data System,
September 30, 1982.

TABLE A-13

SURFACE ACREAGE OF PRLA'S, BY STATE AND BY
SURFACE OWNERSHIP: SEPTEMBER 30, 1982

State	Number of PRLA's	Total Acres	FEDERAL LANDS			Native American	State	Private
			BLM	FS	OTHER			
TOTAL	149	348,271	154,218	29,985	190	7,181	923	155,726
Alaska	3	7,680	7,680					
Colorado	18	34,925	3,595	1,203				30,126
Montana	4	14,673	9,917					4,756
New Mexico	26	75,509	55,229			6,101		14,180
Utah	16	53,472	33,337	19,975				160
Wyoming	82	162,012	44,461	8,807	190	1,080	923	106,504

NOTE: Details may not add to total due to rounding.

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal,
Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-14

SURFACE ACREAGE OF PRLA'S, BY REGION AND BY
SURFACE OWNERSHIP: SEPTEMBER 30, 1982

State	Number of PRLA's	Total Acres	FEDERAL LANDS			Native American	State	Private
			BLM	FS	OTHER			
TOTAL	149	348,271	154,218	29,985	190	7,181	923	155,726
Fort Union	3	14,673	9,917					4,756
Green River/ Hams Fork	23	67,398	31,079	2,413	190		883	32,793
Powder River	67	111,768	16,339	6,394		1,080	40	87,907
San Juan River	26	75,509	55,229			6,101		14,180
Uinta-SW Utah	18	56,929	33,935	21,178				1,816
Other	11	21,994	7,720					14,274

NOTE: Details may not add to total due to rounding.

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal,
Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-15

NUMBER OF LEASES, ESTIMATED IN-PLACE RESOURCES
BY STATE: SEPTEMBER 30, 1982

State	Number of Leases	Total In-Place Resources (million tons)
<u>TOTAL</u>	616	45,436
Alabama	11	99
Colorado	143	7,712
Kentucky	5	9
Montana	26	3,798
New Mexico	29	951
North Dakota	18	340
Oklahoma	49	473
Utah	212	12,235
Wyoming	113	19,672
Other <u>1/</u>	10	147

1/ Due to confidentiality requirements, an aggregate figure is given for all reserve data for States with less than three lessees. Other includes Alaska, California, Oregon, Pennsylvania, and Washington.

NOTE: Details may not add to total due to rounding.

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

TABLE A-16
NUMBER OF LEASES, ESTIMATED IN-PLACE RESOURCES
BY REGION: SEPTEMBER 30, 1982

Region	Number of Leases	Total In-Place Resources (million tons)
TOTAL	616	45,436
So. Appalachian	11	99
Fort Union	22	654
Green River-Hams Fork	115	9,577
Powder River	85	17,948
San Juan River	28	953
Uinta-Southwestern Utah	278	15,479
Other 1/	77	724

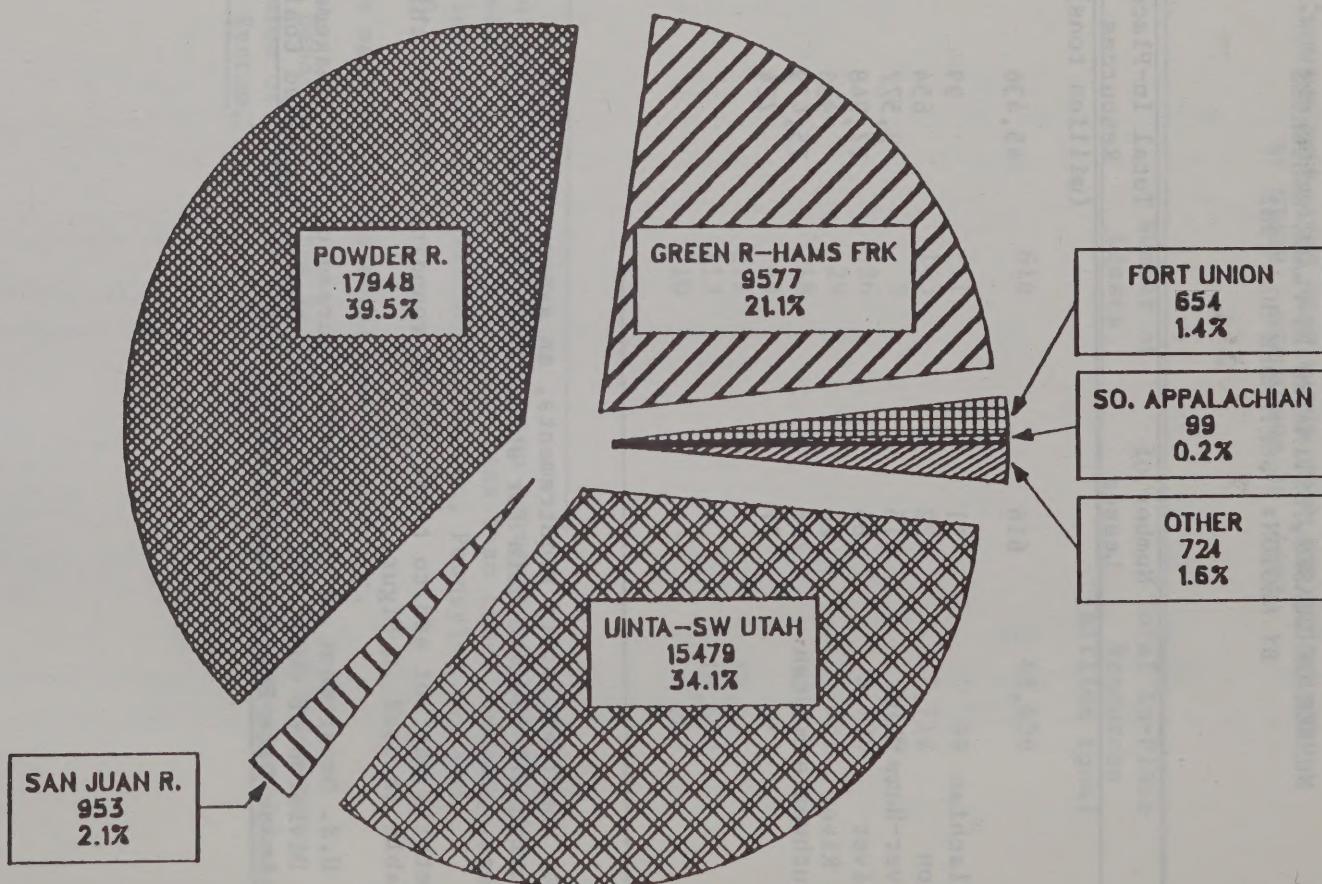
1/ Due to confidentiality requirements, an aggregate figure is given for all reserve data for states with less than three lessees.

NOTE: Details may not add to total due to rounding. Data in this table is used in Figure 2.

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale, Automated Coal Lease Data System, September 30, 1982.

Figure 2

FEDERAL COAL LEASES – IN-PLACE RESOURCES By Coal Regions (million tons)



SOURCE: Automated Coal Lease Data System,
September 30, 1982.

TABLE A-17

LARGEST 15 FEDERAL COAL LESSEES RANKED
BY ACREAGE: SEPTEMBER 30, 1982

Lessee	Acreage	Number of Leases
Peabody Coal Co.	53,070	28
Consolidation Coal Co.	48,253	36
Kemmerer Coal Co.	30,254	26
Utah Power & Light	28,429	15
El Paso Natural Gas	27,659	16
Utah International, Inc.	26,030	27
U.S. Steel Corp.	21,317	19
Harry M. Whittington et al.	20,700	1
Evans Coal Co.	17,806	11
Gulf Oil	16,668	14
Ark Land Co.	15,872	13
Dorchester Coal Co.	15,805	3
Garland Coal and Mining	15,281	9
Kaiser Steel Corp.	15,094	10
Sweetwater Coal Dev. Co.	14,680	1

NOTE: The acreage and number of leases does not include those leases that the lessee is related to or associated with indirectly.

SOURCE: U.S. Department of the Interior, Bureau of Land Management,
Division of Coal, Tar Sand and Oil Shale, Automated Coal
Lease Data System, September 30, 1982.

TABLE A-18

TOTAL UNITED STATES COAL PRODUCTION AND FEDERAL PRODUCTION
BY STATE: CALENDAR YEAR 1981

State	Production in CY 1981	
	U.S. (thousand tons)	Federal (thousand tons)
<u>TOTAL</u>	<u>823,775</u>	<u>116,500</u>
Alabama	24,467	0
Alaska	808	0
Arizona	11,609	0
Arkansas	229	0
Colorado	19,897	11,144
Georgia	4	0
Illinois	51,865	0
Indiana	29,313	0
Iowa	717	0
Kansas	1,361	0
Kentucky	157,560	0
Maryland	4,452	0
Missouri	4,888	0
Montana	33,561	26,727
New Mexico	18,709	9,185
North Dakota	18,122	874
Ohio	37,358	0
Oklahoma	5,786	258
Pennsylvania	83,506	0
Tennessee	10,545	0
Texas	32,814	0
Utah	13,809	8,718
Virginia	41,978	0
Washington	4,635	18
West Virginia	112,814	0
Wyoming	102,969	59,576

SOURCE: Total U.S. Production - Department of Energy, Energy Information Administration.

Federal Production - Department of the Interior,
Minerals Management Service, Royalty Management Office.

TABLE A-19
NUMBER OF READJUSTMENTS AND MODIFICATIONS DURING FY 1982
AND NUMBER OF PENDING READJUSTMENTS AND MODIFICATIONS,
BY STATE: SEPTEMBER 30, 1982

State	Number of Readjustments	Readjustments Pending	Number of Modifications	Modifications Pending
TOTAL	43	73	8	19
Colorado	1	31	1	6
Montana	0	2	1	1
New Mexico	9	2*	0	0
North Dakota	3	1	0	0
Oklahoma	18	0	1	0
Utah	10	24*	5	8
Wyoming	2	13 (3*)	0	4

* Terms of these readjustments are under appeal in these cases.

SOURCE: U.S Department of the Interior, Bureau of Land Management,
Division of Coal, Tar Sand and Oil Shale.

TABLE A-20
PERMIT APPLICATION REPORT: FY 1982
INITIAL REPORT APPLICATIONS FOR FEDERAL LANDS UNDER NEWLY APPROVED
STATE PROGRAMS

STATE	APPLICATIONS ON HAND 9/30/81	APPLICA- TIONS RECEIVED	APPLICA- TIONS APPROVED	APPLICATIONS TO BE CARRIED OVER TO FY 1983
Colorado	21	1	8	14
Kentucky	1	20	1	20
Montana	8	7	3	12
New Mexico	4	0	1	3
North Dakota	4	3	1	6
Oklahoma	0	5	0	5
Utah	20	2	2	20
Virginia	0	1	0	1
West Virginia	6	0	0	6
Wyoming	21	10	6	25
Total	85	49	22	112

SOURCE: U.S Department of the Interior, Office of Surface Mining.

TABLE A-21

FEDERAL COAL LEASES ISSUED SINCE FISCAL YEAR 1978
BY FISCAL YEAR

	Number Of Issued Leases	Total Acreage Of Issued Leases	Total Recoverable Resources of Issued Leases (In Mil. Tons)
FY 1978	2	574	3.42
FY 1979	13	9,063	70.78
FY 1980	14	10,506	155.31
FY 1981	14	33,351	295.63
FY 1982	39	83,627	1,420.37

NOTE: The data in this table is used in Figures 3, 4 and 5.

SOURCE: U.S. Department of the Interior, Bureau of Land Management,
Division of Coal, Tar Sand and Oil Shale, Automated Coal
Lease Data System, September 30, 1982.

TABLE A-22

FEDERAL COAL LEASES SOLD SINCE FISCAL YEAR 1978
BY FISCAL YEAR

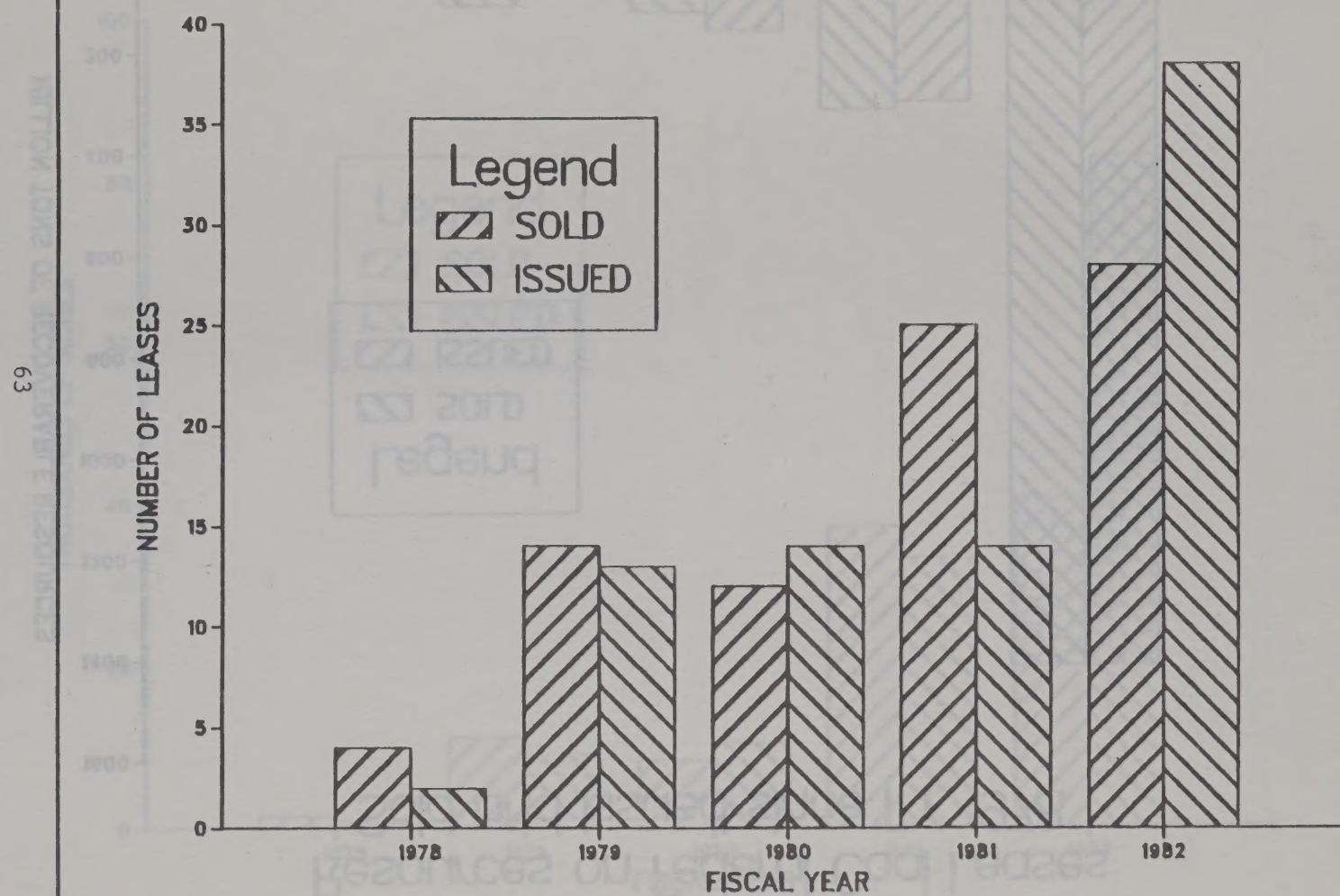
	Number Of Leases Sold	Total Acreage Of Leases Sold	Total Recoverable Resources of Leases Sold (In Mil. Tons)	Total High Bonus Bids (In Dollars)
FY 1978	4	1,490	7.04	\$104,801
FY 1979	14	11,154	106.00	960,042
FY 1980	12	8,465	120.35	564,780
FY 1981	25	37,277	312.23	26,150,862
FY 1982	28	41,097	1,417.83	77,538,168

NOTE: The data in this table is used in Figures 3, 4, 5 and 6.

SOURCE: U.S. Department of the Interior, Bureau of Land Management,
Division of Coal, Tar Sand and Oil Shale, Automated Coal
Lease Data System, September 30, 1982.

Figure 3

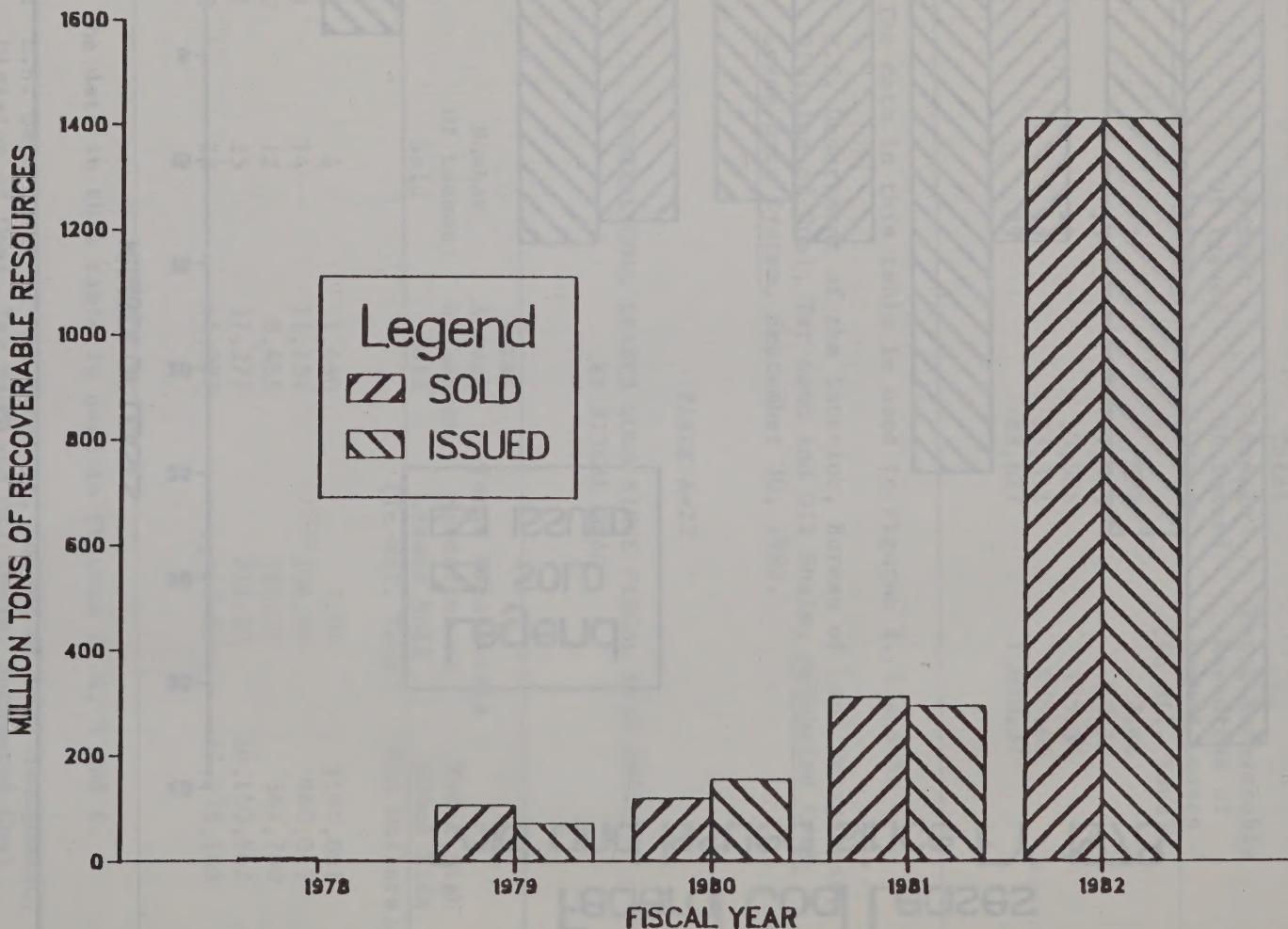
Federal Coal Leases Sold and Issued since FY 1978



SOURCE: Automated Coal Lease Data System,
September 30, 1982.

Figure 4

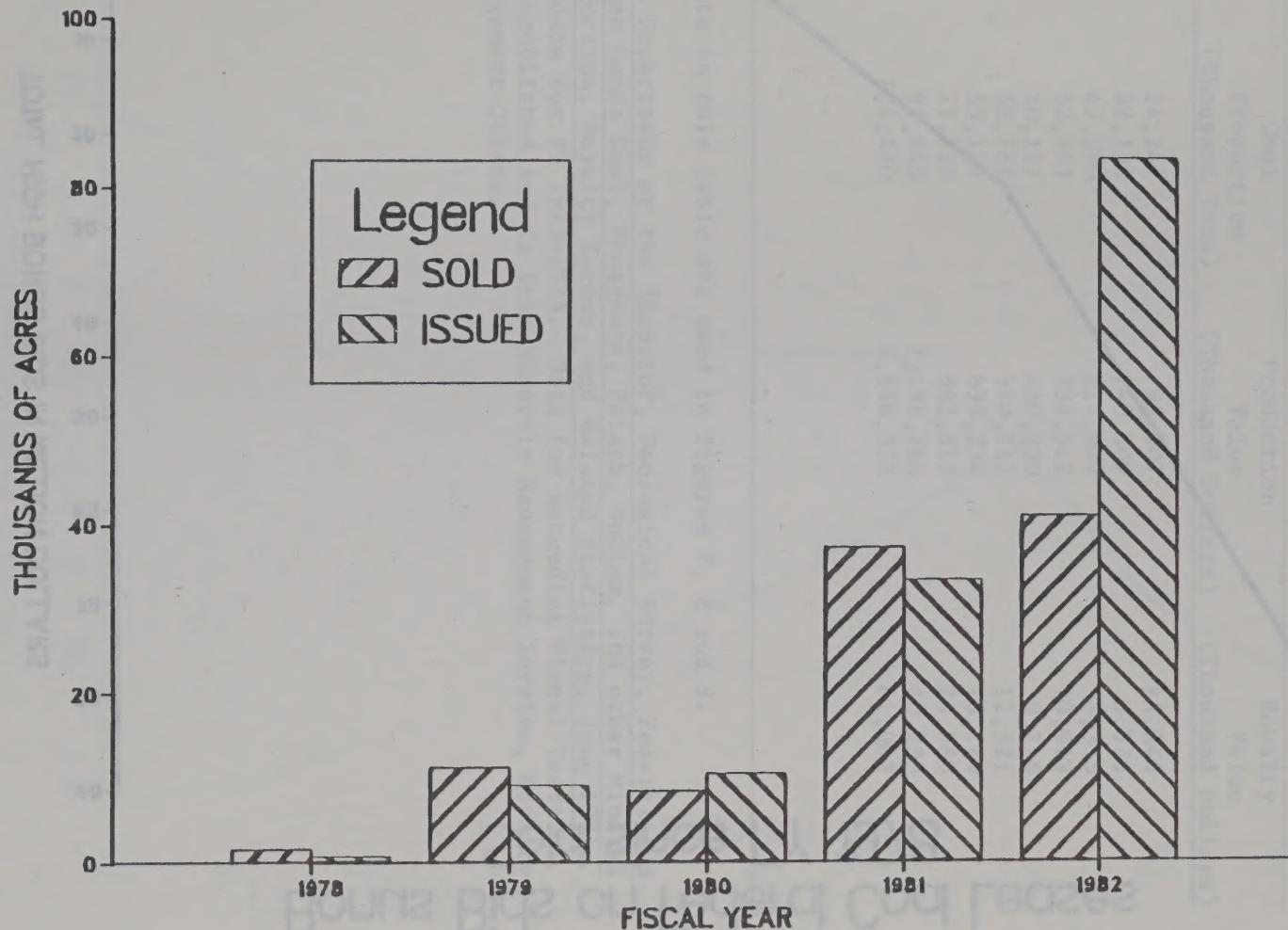
Resources on Federal Coal Leases Sold and Issued since FY 1978



SOURCE: Automated Coal Lease Data System,
September 30, 1982.

Figure 5

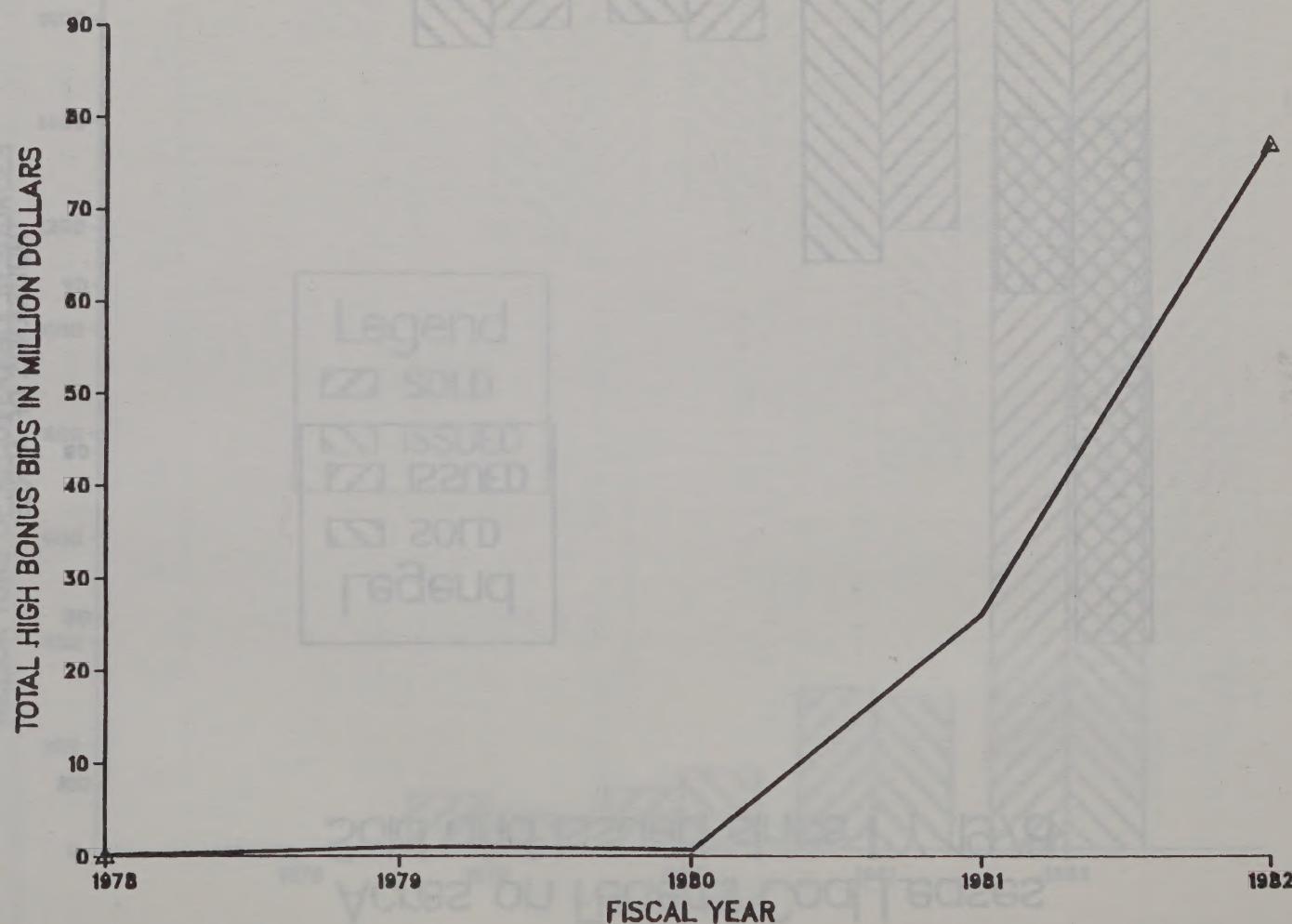
Acres on Federal Coal Leases Sold and Issued since FY 1978



SOURCE: Automated Coal Lease Data System,
September 30, 1982.

Figure 6

Bonus Bids on Federal Coal Leases Sold since FY 1978



SOURCE: Automated Coal Lease Data System,
September 30, 1982.

TABLE A-23

FEDERAL COAL PRODUCTION, PRODUCTION VALUE, AND ROYALTY VALUE
FISCAL YEARS 1973-1982

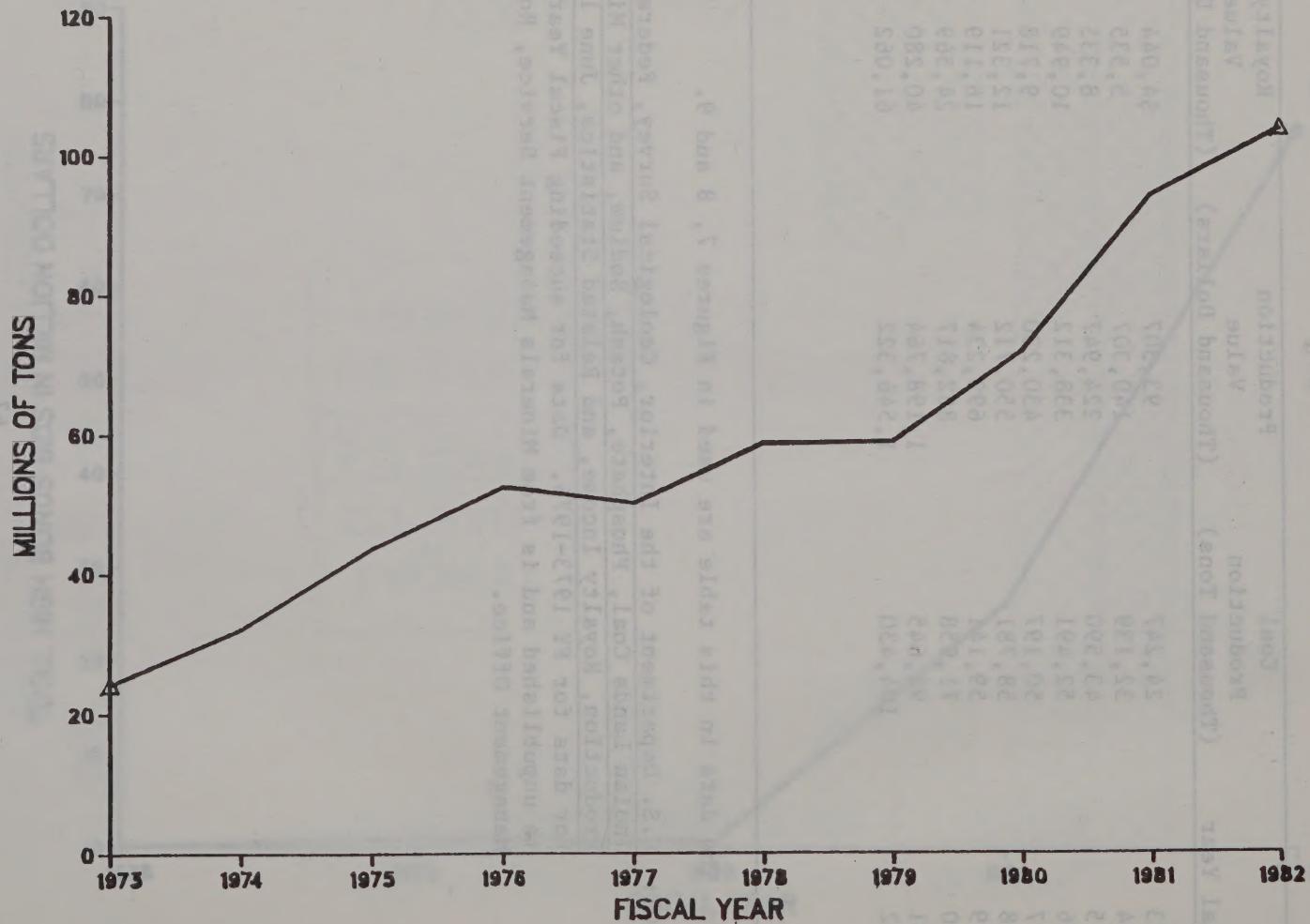
Fiscal Year	Coal Production (Thousand Tons)	Production Value (Thousand Dollars)	Royalty Value (Thousand Dollars)
1973	24,247	93,307	\$4,044
1974	32,139	140,307	5,535
1975	43,590	224,947	8,335
1976	52,491	338,312	10,949
1977	50,197	430,230	9,718
1978	58,781	550,712	12,321
1979	59,141	699,234	16,119
1980	71,958	862,817	24,569
1981	94,645	1,198,764	40,280
1982	104,430	1,546,322	61,062

NOTE: The data in this table are used in Figures 7, 8 and 9.

SOURCE: U.S. Department of the Interior, Geological Survey, Federal and Indian Lands Coal, Phosphate, Potash, Sodium, and other Mineral Production, Royalty Income, and Related Statistics, June 1981 for data for FY 1973-1975. Data for succeeding Fiscal Years is unpublished and is from Minerals Management Service, Royalty Management Office.

Figure 7

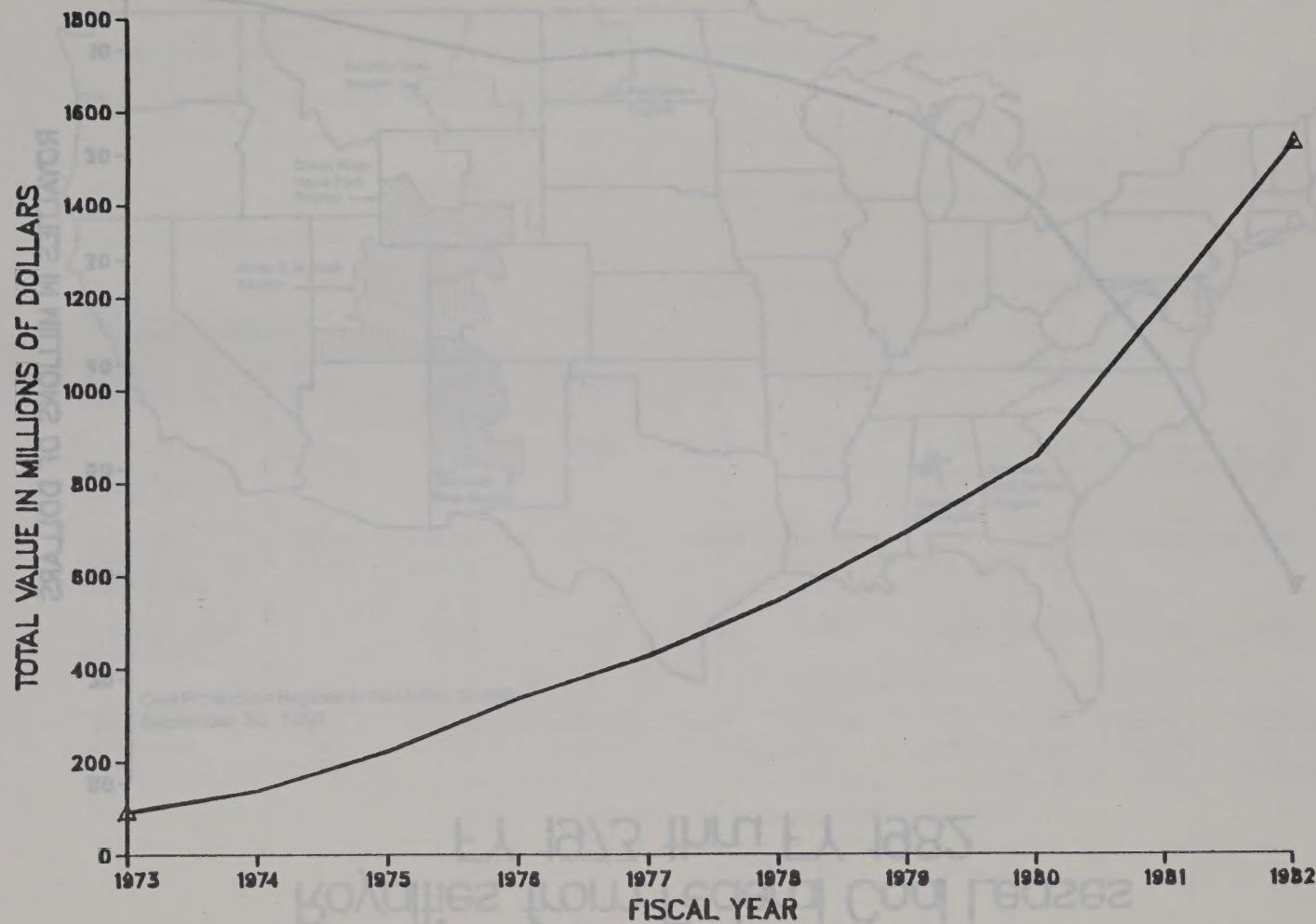
Production from Federal Coal Leases FY 1973 thru FY 1982



SOURCE: Royalty Accounting Statistics,
Minerals Management Service, December, 1982

Figure 8

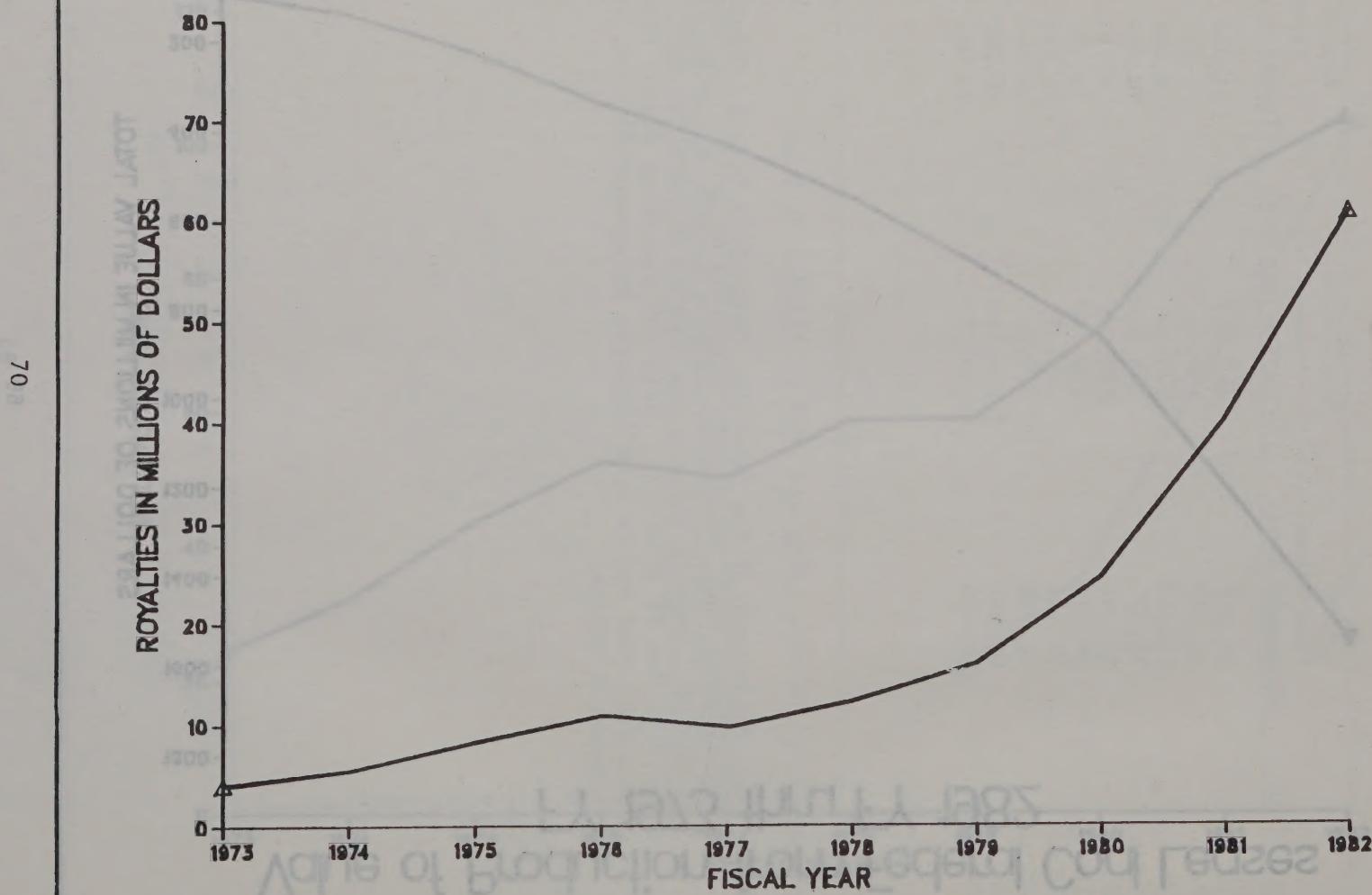
Value of Production from Federal Coal Leases FY 1973 thru FY 1982



SOURCE: Royalty Accounting Statistics,
Minerals Management Service, December, 1982

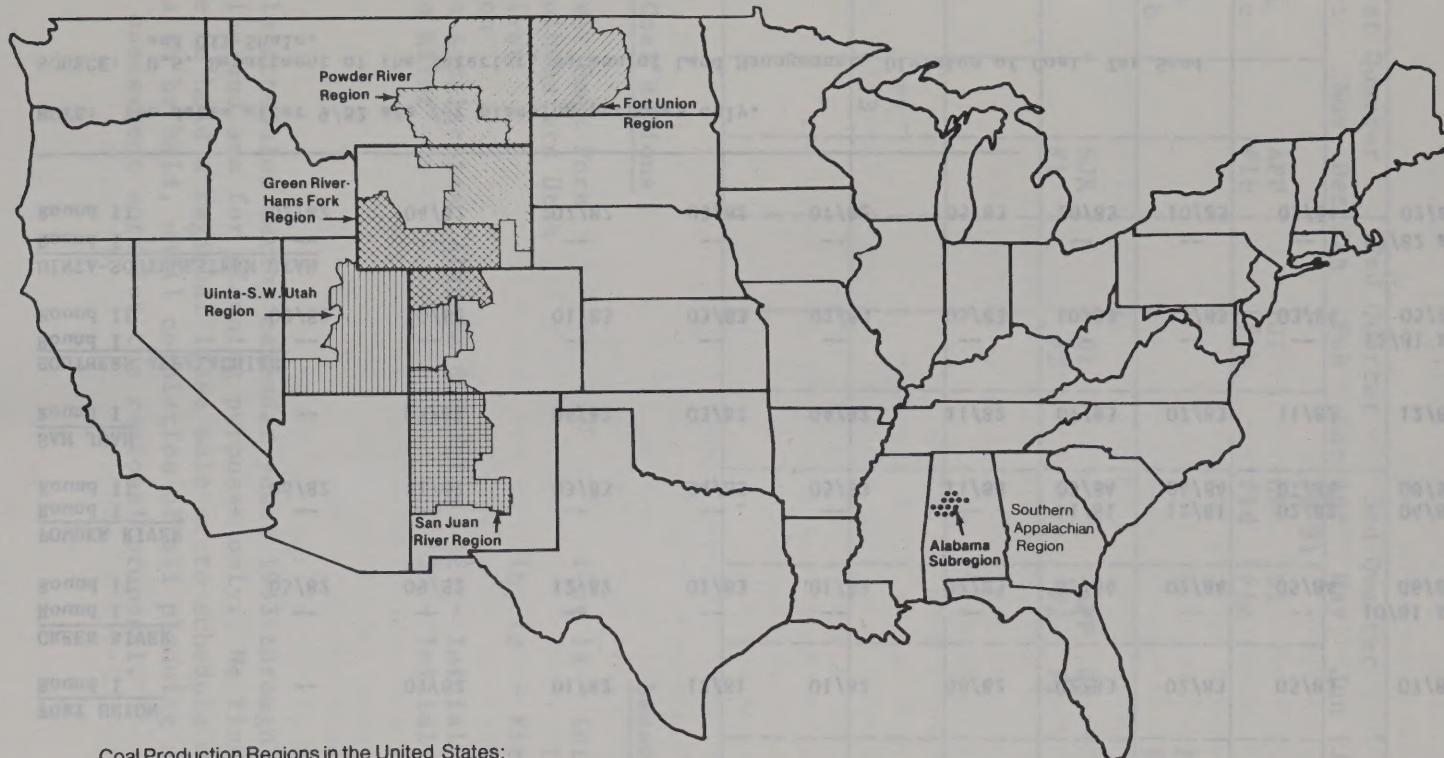
Figure 9

Royalties from Federal Coal Leases FY 1973 thru FY 1982



SOURCE: Royalty Accounting Statistics,
Minerals Management Service, December, 1982

Appendix B
Federal Coal Production Regions



Coal Production Regions in the United States:
September 30, 1982

Figure II
Royalties from Federal Coal Leases
FY 1973-1982

APPENDIX C

COAL ACTIVITY PLANNING COMPLETION DATES

COAL PRODUCTION REGION	EXPRESSION OF INTEREST	TRACT DELINEATION	SITE SPECIFIC ANALYSIS	LEASING LEVEL	RCT TRACT RANKING	DRAFT EIS	FINAL EIS	RCT LEASING RECOM.	SECRETARY DECISION DOCUMENT	SALE DATE
FORT UNION										
Round I	--	01/82	01/82	12/81	01/82	08/82	02/83	02/83	05/83	07/83
GREEN RIVER										
Round I	--	--	--	--	--	--	--	--	--	10/81 & 04/82
Round II	05/82	09/82	12/82	01/83	01/83	07/83	02/84	02/84	05/84	06/84
POWDER RIVER										
Round I	--	--	--	--	--	--	11/81	12/81	02/82	04/82
Round II	08/82	11/82	03/83	04/83	05/83	11/83	03/84	04/84	07/84	08/84
SAN JUAN										
Round I	--	03/82	04/82	03/82	04/82	11/82	07/83	07/83	11/83	12/83
SOUTHERN APPALACHIAN										
Round I	--	--	--	--	--	--	--	--	--	12/81 & 09/82
Round II	08/82	10/82	01/83	03/83	02/83	05/83	10/83	11/83	03/84	05/84
UINTA-SOUTHWESTERN UTAH										
Round I	--	--	--	--	--	--	--	--	--	02/82 & 05/82
Round II	02/82	04/82	07/82	03/82	07/82	05/83	10/83	10/83	01/84	02/84

NOTE: The dates after 9/82 are for planning purposes only.

SOURCE: U.S. Department of the Interior, Bureau of Land Management, Division of Coal, Tar Sand and Oil Shale.

APPENDIX D

REGIONAL COAL LEASE SALE SCHEDULE

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter		
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
FY 1982	GR #1c			APP #1b			UI #1b		PR #1	GR #1d	UI #1c	
FY 1983	PR #1b									FU #1		
FY 1984				SJR #1			UI #2		APP #2	GR #2		PR #2
FY 1985											FU #2	
FY 1986			PR #3								SJR #2	
FY 1987											GR #3	
											UI #3	
												#3

Federal Coal RegionsLease Sale

GR - Green River Hams Fork	1 or 1a - Initial first round lease sale
UI - Uinta-Southwestern Utah	
PR - Powder River	1b, 1c - First round
FU - Fort Union	follow-up sale
APP - Southern Appalachian, Alabama Subregion	2 - Initial second round sale
SJR - San Juan River	3 - Initial third round sale

NOTE: The sale schedules during calendar years 1983 through 1987 are tentative and are for planning purposes only. No final decision is made to hold a regional lease sale or to schedule when such a sale is to be held, until completion of all planning and environmental assessment work for the regional proposal.

GLOSSARY

ACEC	Area of Critical Environmental Concern
AML	Abandoned Mine Land
BLM	Bureau of Land Management
DEIS	Draft Environmental Impact Statement
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
DSC	Denver Service Center
EA	Environmental Assessment
EIS	Environmental Impact Statement
EMRIA	Energy Minerals Rehabilitation Inventory and Analysis
EPA	Environmental Protection Agency
FCLAA	Federal Coal Leasing Amendments Act
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
FMV	Fair Market Value
FS	Forest Service (USDA)
FWS	Fish and Wildlife Service
FY 1982	Fiscal Year 1982 (October 1, 1981 to September 30, 1982)
GS	United States Geological Survey
KRCRA	Known Recoverable Coal Resource Area
LMU	Logical Mining Unit
LUP	Land Use Plan
MER	Maximum Economic Recovery
MFP	Management Framework Plan
MLA	Mineral Lands Leasing Act
MMS	Minerals Management Service
NAWDEX	National Water Data Exchange System
NCRDS	National Coal Resources Data System
NEPA	National Environmental Policy Act
NPS	National Park Service
NRDC	Natural Resources Defense Council, Inc.
OSM	Office of Surface Mining Reclamation and Enforcement
PRLA	Preference Right Lease Application
RAM	Rapid Assessment Method
RCT	Regional Coal Team
RMP	Resource Management Plan
SBA	Small Business Administration
SID	Secretarial Issue Document
SMCRA	Surface Mining Control and Reclamation Act
SRA	State Regulatory Authority
SSA	Site-Specific Analysis
USDA	United States Department of Agriculture

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